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A SOCIAL MARKETING INTERVENTION TO IMPROVE ASBESTOS
INSPECTION COMPLIANCE FOR MISSOULA PUBLIC BUILDINGS AND THE
ROLE OF UPSTREAM APPROACHES

By

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BA in Anthropology, The University of Montana, Missoula, Montana, 2003

Professional Paper

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The Role of Corporate Social Marketing Interventions in Combating Sexual Assault Responsible Consumption

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The National Organization of Environmental Quality Advocates (NOEQA) reported in a 2007 study that approximately 20% of people in the United States, including a third of women, have experienced sexual harassment or sexual assault in the workplace. The prevalence of sexual harassment and sexual assault in the workplace is a significant public health problem that has the potential to cause serious physical and psychological harm to victims. The purpose of this study was to examine the role of corporate social marketing interventions in combating sexual assault in the workplace.

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The Role of Upstream Social Marketing Interventions in Community-based Asbestos Inspection Compliance

Chairperson: Dr. Robin Saha

The Montana Department of Environmental Quality Asbestos Control Program reported in a 2002 study that it had determined that 99 percent of public building demolitions and renovations in Missoula were noncompliant with asbestos inspection regulations required by both Montana and federal law. The Program characterized noncompliance as an occupational and public health threat with multiple causations including willful noncompliance and ignorance of the law. Missoula is not alone in its noncompliance; Great Falls, MT, Boston, MA, Austin, TX and Livingston MT, and other cities have struggled to address noncompliance with asbestos inspections. My action based research project explores the role social marketing interventions can play in addressing regulatory noncompliance with asbestos inspections on a local level. Social marketing only differs from traditional marketing in that it seeks to promote behavior change in a target audience for the welfare of the targeted audience and society rather than sell a product. My target audience included city officials instead of the regulated community. My intervention spurred policy dialogue, brought noncompliance into the public spotlight, and led to the City of Missoula adopting an ordinance in February 2008 requiring proof of an inspection before issuance of public building permits. This action based research project suggests that social marketing interventions directed at decision makers can play a role in increasing regulatory compliance on a local level. Lessons learned from the social marketing campaign and criteria for social marketing campaign design are offered for use in other upstream interventions.

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To John Podolinsky and the staff at Asbestos Control Program, many thanks for all you have provided to me and my project and, more importantly, to the state through your tireless commitment to protecting Montana occupational and public health. I acknowledge the vision and commitment of the following Missoula decision makers: Marilyn Marler, Ben Schmidt, Jim Carlson, Ross Miller, Garon Smith, Mayor Engen, Bruce Bender, Jim Nugent and Don Verrue. Missoula is lucky to have each of you at our helm. Thank you to the anonymous contractors who shared their insights. Also thank you to those in the building inspection field, including Jay Parrot, Duncan Edwards and Tim Langley. To a personal hero, Kevin Carmody, thank you. Kevin, although you have passed, your fight for social justice lives on.

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INTRODUCTION

Missoula is a burgeoning community of 62,000, nestled in the Rocky Mountains. It has experienced one of the larger growth rates in Montana with a 12% growth in population between 2000 and 2008. This growth has resulted in an increased level of renovation and demolition of existing buildings (Palmer, 2007). Present in many of these buildings is a deadly killer: asbestos. Alarming, asbestos is ranked as one of the most hazardous compounds with 90 percent of other hazardous chemicals being found less hazardous (Scorecard: The Pollution Information Site). Often referred to as a modern plague, it is estimated that 10,000 Americans die each year—at a rate of approximately 30 per day—from asbestos-caused diseases, including asbestosis, lung cancer and mesothelioma. Asbestos was used in almost every building constructed before the 1980's in the United States (Asbestos Network, 2008). Tragically this mineral fiber, valued for its electrical resistivity and fire-retardant properties, is considered ubiquitous in the built world. The majority of asbestos exposures occur in an occupational setting (Environmental Working Group, 2008). As a result, the Occupational Safety & Hazard Administration predicts that, “an estimated 1.3 million employees in construction and general industry face significant asbestos exposures on the job” (Murray, 2008).

In 2002, the Montana Department of Environmental Quality Asbestos Control Program carried out the *Asbestos Compliance Study in Montana*. This study found that 99% of demolitions on public buildings in Missoula, Montana, were noncompliant with asbestos regulations required by Montana and federal laws. This finding gave Missoula the distinction of having the second highest asbestos noncompliance rate of any community in the state of Montana (Montana Department of Environmental Quality Asbestos Control Program, 2002). From this finding the Asbestos Control Program derived that the vast majority of Missoula public building projects also failed to receive an asbestos inspection, as mandated by federal and state asbestos regulations. The Program characterizes this noncompliance and lack of asbestos inspections as an occupational and public health threat with multiple causations including willful noncompliance and ignorance of the law (Montana Department Environmental Quality Asbestos Control Program, 2002).

The Montana Department of Environment Quality (DEQ) is charged with adopting and incorporating National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos, which are provided for under Section 112 of the federal Clean Air Act. The DEQ *Montana Asbestos Work Practices and Procedures Manual* explains:

The Asbestos Control Program (Program) is the program within the DEQ that administers the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (EPA NESHAP). EPA authorized the state of Montana to administer portions of the asbestos NESHAP in 1977 with revisions in 1988. . . . The NESHAP contains standards that regulate building demolitions and renovations, asbestos disposal sites, and other sources of asbestos emissions. It is the NESHAP that requires an asbestos inspection prior to demolition or renovation activities. Since the rules adopt the NESHAP by reference, the NESHAP is enforced by the Program. (p.3)

All substances governed under NESHAP have been found to be hazardous air pollutants by the EPA. NESHAP defines hazardous air pollutants as air toxics that pose a significant threat to human health and the environment. As a result, the Montana DEQ website states that "preventing diseases and deaths associated with asbestos exposure are principle factors behind the asbestos regulations the Asbestos Control Program enforces" (MT DEQ website, 2009).

The EPA has determined that asbestos contamination cannot be addressed by promulgating more traditional emission standards. Thus, work practice standards have been devised for the removal of asbestos-containing materials during the demolition and renovation of public buildings. NESHAP defines a public building as "any institutional, commercial, public, industrial or residential structure, installation or building (including any structure, installation or building containing condominiums, or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; or any active or inactive waste disposal site." (40 Code of Federal Regulations (CFR) Part 61, Subpart M, 1993 Edition). This includes daycares, universities, apartment complexes, business buildings, and restaurants—in short, where most Missoulians work and live. It is important to note that NESHAP excludes K-12 public and private schools which are governed under the federal Asbestos Hazardous

Emergency Act rather than the state and federal Clean Air Act (U.S. Environmental Protection Agency, 2008).

NESHAP asbestos work practice standards are designed to protect public and occupational health by requiring public building owners and contractors to comply with specific guidelines for handling asbestos during renovations and demolitions, asbestos disposal, and other asbestos-related activities. Perhaps the most important work practice standard is the requirement that contractors or building owners hire a trained asbestos inspector to carry out an asbestos inspection before beginning a demolition or renovation on a public building. This precautionary work practice standard allows a contractor and building owner to know where asbestos is present and what steps to take in order to comply with state regulations. Specifically this NESHAP work practice standard requires the public building owner or operator to "thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos" (40 CFR. 61. A, 1993). This inspection must be carried out by a certified asbestos inspector, trained in asbestos inspection and sampling. Without an asbestos inspection a public building owner and contractor cannot know to what extent asbestos is present or what measures need to be taken to protect public and occupational health.

Under NESHAP, the government is able to criminally prosecute a public building owner and contractor (i.e. the parties responsible for a public building renovation or demolition) who "knowingly violate" any provision provided for under the Clean Air Act, including NESHAP asbestos work practice standards. Without a required asbestos inspection, it is very difficult for the Asbestos Control Program to prove an individual has "knowingly violated" asbestos work practice standards. For this reason many consider asbestos inspections the most effective mechanism to protect Montanan's from asbestos exposure (J. Podolinsky, personal communication, February 11, 2007).

Based on the *Asbestos Compliance Study in Montana* findings, the Asbestos Control Program was concerned that Missoula noncompliance had resulted in asbestos exposure and would continue to result in asbestos exposure until noncompliance was curbed. This fear had previously been substantiated. The most egregious example was perpetrated by a Missoula daycare owner and hired contractor who failed to have an asbestos inspection and subsequently tracked asbestos throughout a daycare exposing the

center's children and staff (J. Podolinsky, telephone communication, May 4, 2004). This case is the sole example of a Montana violator being criminally prosecuted.

Recognizing that Missoula's noncompliance with asbestos inspections posed a substantial and preventable threat to public and occupational health, I launched an action-based research project grounded in social marketing to increase compliance with required asbestos inspections. By talking with local decision makers (regulators) and the regulated community of building owners, developers and contractors, I researched the reasons for noncompliance. This formative research helped me to understand the barriers to compliance and led me to design and carry out a campaign directed at city officials and administrators to increase compliance. Additionally, I used information obtained from other cities that have addressed the same type of noncompliance problem to develop my campaign objective: to inspire the city of Missoula to adopt an ordinance requiring proof of an asbestos inspection before issuance of a building permit for public building renovations and demolitions. The research and subsequent social marketing campaign are detailed in the methods section of this paper.

SOCIAL MARKETING PRIMER

Social marketing is grounded in action research methodology. Action research emphasizes the need for empirical study to go beyond the end goal of creating books and articles and to take action to address the social phenomena being studied. Before diving into the research methods used in this action based social marketing research project, I want to familiarize the reader with the social marketing approach.

Kotler and Andreasen (1996) write, "Social marketing only differs from other areas of marketing. . .with respect to the objectives of the marketer and his or her organization" (p. 7). Namely, it seeks to influence social behaviors not to benefit the marketer, but to benefit the target audience and the general society. Social marketing's goal, rather than selling an item, is to improve the target audience's welfare and society as a whole. (Andreasen, 2006). Social marketing requires an exchange—e.g., the giving up of an ingrained behavior for a benefit valued by the marketed audience. Thus, any social marketing campaign must understand its audience to such a degree that the marketer knows what the intended audience values. As a result, all aspects of this method are focused on audience with a goal of understanding and responding to their beliefs, desires and perceptions.

This section of the paper will frame social marketing as a tool to bring previously unrecognized issues into the public spotlight, understand the unique motivations of one's target audience, and develop communication strategies with messages specifically tailored to that audience to encourage behavior change. This will be accomplished by distinguishing social marketing from traditional public education, drawing from behavior change theory, and providing three examples of social marketing campaigns.

Social Marketing vs. Public Education

Although often mistaken as public education, social marketing is not public education. Successful public education results in awareness. Successful social marketing results in behavior change. Education offers a generic message for all audiences. For example, to promote smoking cessation a public educator might provide the following informational message, "Tobacco kills more Americans than auto accidents, homicides, AIDS, drugs and fires combined." This message fails to take into account that teens

when compared with adults minimize the perceived risk of health-threatening activities and, as a result, feel less threatened by health-threatening risks (Cohn, Macfarlane, Yanez, and Imai, 1995).

Social marketing on the other hand pays slavish attention to the interests, beliefs and motivations of its target audience. For instance in Figure 1 the marketed message is designed for MIT male freshmen. The marketed message is: after too many (drinks), you'll offer much less (sexually). The creators of this message recognized that MIT male freshmen were highly motivated to be sexually active and would gladly exchange binge drinking for sexual prowess.

Figure 1. MIT Binge Drinking Ad



As illustrated in Figure 1, social marketing is committed to behavior change and believes this change occurs by a marketer knowing her audience and what motivates them to change. Social marketing is sophisticated in that it is rooted in market research and is able to sustain multiple messages and frequently is multimedia in approach. Grounded in traditional marketing it naturally seeks audience feedback on messages, programs and multimedia marketing through evaluation including focus groups, polling and surveys.

Public education on the other hand is more didactic in approach, frequently turning to academic research for direction. Its mission is to improve audiences'

knowledge and awareness about the implication of a specific behavior (e.g. drinking and driving kills) rather than to influence the behavior of a specific target audience. This tends to cause its message to be driven by what an educator and her organization desire for the public to learn. Its educational message is generally simple and frequently dense in content. As a result, public education generally prescribes a generic message (e.g., tobacco kills more Americans than a host of other risky activities combined) and confidently, and some would argue paternalistically, believes this message should and will motivate an audience to adopt a prescribed behavior despite the complexities of behavior change. Social marketers are a bit more jaded, and believe a marketer must craft a message that is meaningful, persuasive and crafted to meet a target audience's unique interests, concerns and motivators.

Table 1, taken from Social Marketing: Behavior Change Marketing in New Zealand further illustrates the key differences between a public education approach and social marketing approach (Bridges and Farland, 2003).

Table 1. Social Marketing vs. Public Education

SOCIAL MARKETING	PUBLIC EDUCATION
Focused on behavior change	Focused on improving knowledge and awareness
About "selling"	About "telling"
Sustained over the long term	Short or long term
Audience focused (i.e. why do teens smoke; what motivates teens to smoke, why do rural college age kids drink and drive; what motive them not to drive.)	Subject focused (i.e. health implications of tobacco smoking, drunk driving kills)
Focused on what the audience takes out	Focused on what the organization wants to put in
Coordinates multiple messages and media	Relies on simple message(s) in mainstream media
Rooted in consumer focused market research	Rooted in academic research (if any research at all)
Seeks feedback (good and bad) and evolves	Is one dimensional and static

Source: Bridges and Farland, 2003, p. 3

Behavior Change

The behaviors social marketers promote are frequently considered high maintenance, meaning an audience will not quickly make a decision about the desired behavior, nor will it necessarily easily adopt the desired behavior (Hastings, 2007). Recognizing that behavior adoption is often a graduated process, social marketers

frequently classify and analyze a target audience's stages of behavior change. In their Transtheoretical Model of Behavior Change, Jim Prochaska and Carlo DiClemente leaders in behavior change health psychology, identified five stages of behavior change that move from ignorance or indifference to the idea of changing, to trial and ultimately to being committed to the new behavior (Norcross and Goldfried, 2005). These five stages are shown Table 2.

Table 2. Stages of Behavior Change

STAGE OF BEHAVIOR CHANGE	ATTRIBUTES ASSOCIATED WITH STAGE
Pre-contemplation	The target audience may be aware of the new behavior, but are not interested in it, at least at this point.
Contemplation	The target audience is consciously evaluating the relevance of the new behavior.
Preparation	The target audience has decided to act and is trying to put in place the measures needed to carry out the behavior.
Action	The target audience has adopted the behavior.
Maintenance	The target audience is committed to the behavior and has no desire or intention to regress.

Source: Hastings, 2007, p. 24

The five stages are illustrated in the following behavior change example. An individual is overweight and overtime they: (1) recognize they are overweight; (2) begin to think about being overweight; (3) seek information on how to prepare to lose weight; and (4) take action by adopting a behavior to lose weight (e.g., start a diet, begin exercising, etc). Despite their best effort to stay healthy and not become overweight again, they will have to be committed to maintaining the behaviors they have adopted.

Downstream and Upstream Campaign Examples

Social marketing campaigns, like commercial marketing campaigns, take an array of forms—television, print, radio ads or billboards, collateral products (e.g., condoms to promote safe sex, trail maps to promote active living and reusable bags to promote sustainable living), and new policies and laws. They can rely on strategic partnerships with private and public sector entities that can help promote or further the campaign

message. There is no limit to the type of products that social marketing can promote, with products, of course, being voluntary behaviors rather than consumer goods. As a result, social marketing has a history of being used to market environmental, equity, conservation and health behaviors with a goal of changing individual behaviors as well as shifting cultural and political norms. In social marketing—as is the case in all audience driven endeavors—you want to isolate whose behavior has the greatest impact on the problem. About this inquiry Gerard Hastings (2007) asks:

Should we focus our efforts on influencing individuals to give up smoking, drive more safely, or eat less fat [what is referred to as ‘downstream’ behavior change]? Or should we also be trying to influence the policymakers, politicians, regulators, or educators to restrict access to tobacco, make roads slower and cars safer, or improve the nutritional value of food products [‘upstream’ behavior change]? (p. 108)

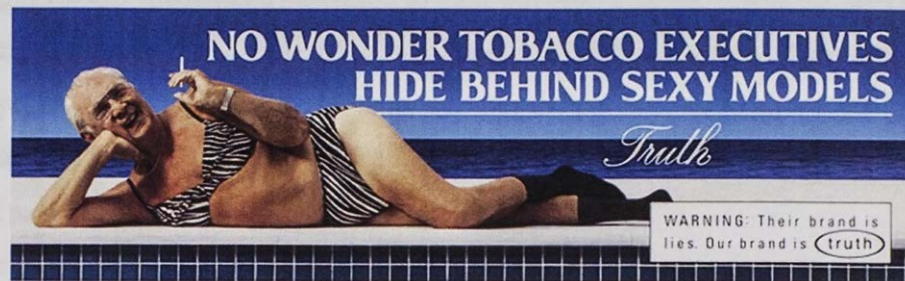
Social marketing defines upstream as the environmental, social and political structural factors contributing to a social problem and downstream as the individuals whose behavior the marketer desires to change (Grier and Bryant, 2005). An upstream focus is relatively new to the social marketing field. This focus was born out of the shortcomings of previous social marketing programs that focused on downstream behaviors at the expense of removing upstream structural causation, which frequently can be more efficient and effective than a downstream approach. Bill Smith (2008) explains, “Social Marketing’s advantage in the battle for social justice is its single-minded focus on understanding who people are and what people want as the key to providing social benefits (products, programs and services) they value and will adopt” (p. 91).

Understandably, social marketing has a history of influencing behaviors associated with such health and social justice issues as tobacco cessation, racism, and sustainability. Perhaps one of the most heralded anti-smoking campaigns is the award winning Truth campaign (see Figure 2).

Truth knew from the extensive body of research on teens and smoking that this target audience was motivated to adopt cigarette smoking to promote an image of being rebellious and cool. As a result, Truth’s downstream campaign countered tobacco industry advertisements that promote smoking as posh, rebellious, and sexy by exposing

tobacco as anything but. The Truth campaign included billboards of scantily clad tobacco executives sitting poolside below the caption: "No Wonder Tobacco Executives Hide Behind Sexy Models."

Figure 2. Truth Campaign Ad



Additionally, the campaign included television ads. One pictured 1,200 body bags, representing the number of people who die from tobacco everyday—stacked outside of a major tobacco company with executives looking through office windows as a protester with a megaphone asks, "Excuse me. We've got a question. Do you know how many people tobacco kills every day? Would you say 20, 30, or 100? You know what? We're going to leave this here for you so you can see what 1,200 people look like."

The numbers have been crunched and the reports filed on the efficacy of the campaign. In 2005, Matthew Farrelly reported in the *American Journal of Public Health* that between 1997 and 2002 the percentage of teens who smoke dropped from 28 percent to 18 percent, crediting Truth with about 22 percent of the drop or roughly 300,000 less teens smoking (Farrelly, Davis, Haviland, Messeri, and Healton).

An exemplary upstream social marketing intervention strategy comes from Scotland. Scotland is renowned in the United Kingdom for its sweet tooth, with Scottish children consuming 28 percent more candy than children in the rest of the United Kingdom. This directly leads to oral health problems (Hastings, 2007). It was found that housing candy at tills of stores greatly exacerbated this problem, especially in low-income communities. A recent research project explored how a social marketing campaign might address the oral health of five year old children in West of Scotland by limiting their intake of candy. Of the problem Hastings (2007) writes:

Sweets were frequently used to pacify or reward children. . .the social marketing challenge was not to tackle the challenge of changing children's liking for confectionary, or parents' regrettable (but understandable) inclination to give in. In particular, there was a strong disinclination to make the lives of an already disadvantaged group more difficult or add guilt about inadequate parenting to their burden. Instead, it was decided to try and make their lives easier by getting confectionary removed from till-points. The target audience, then, was not the parents but retail outlets and, in particular, the staff who influenced in-store product positioning. (p.119)

This upstream approach attempts to address the structural causations to this problem (e.g., it removes candy from the location where Scottish children are most likely to demand and receive it: the check out aisle). Another upstream approach might be to launch a campaign to legally ban the sale of candy in the check out aisles of Scottish stores. However, it goes without saying that by moving this far upstream and taking such a draconian approach, it is highly unlikely the campaign would be successful. The approach Hasting details finds strength and feasibility in selecting a small strategic group of decision makers (the staff who influence product placement) to partner with in addressing a specific structural causation.

One of my personal favorite downstream social marketing campaigns was created by a leader in the social marketing field, the Academy for Educational Development (AED). This campaign's focus was on reducing the nutrient loading of the Chesapeake Bay by targeting homeowners from the greater Washington, D.C. area to lessen and eliminate their use of lawn fertilizer. AED recognized that previous environmental appeals by their client, Chesapeake Bay Program, were exhausted. In response, they created a culinary appeal that served to influence homeowners to protect the Bay from the lawn fertilizer as means to ensure the continued availability of their beloved Chesapeake Bay seafood. AED developed an array of ads, including the one pictured on the following page (see Figure 3), which supported the overarching message, "Save the Crabs then Eat'em." With just seven weeks of television, newspaper and at home ads

(including leaflets), the campaign's post intervention study showed "increased awareness of lawn care behaviors that contribute to Bay pollution, and decreased intent to fertilize in the spring" (Landers, Mitchell, Smith, Lehman, and Conner , 2006, p. 15).

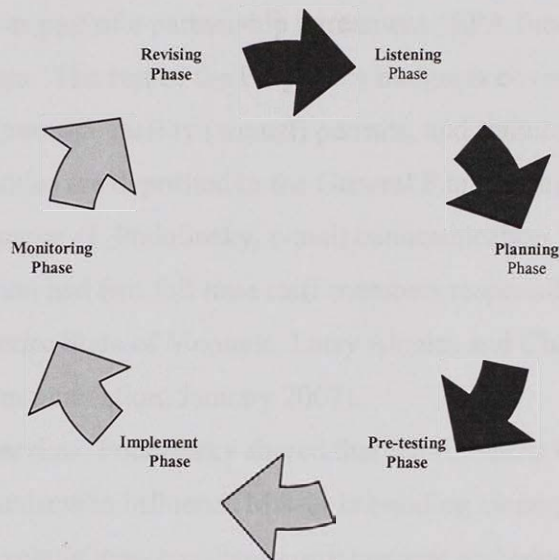
Figure 3. Chesapeake Bay Program Ad



METHODS

Social marketing scholar Alan Andreasen breaks the social marketing process, as illustrated in the flow chart to the right, into six phases: listening, planning, pre-testing, implementing, monitoring, and revising (see Figure 4). Andreasen characterizes the social marketing process as cyclical – where after being implemented, monitored and revised, every social marketer must return to the listening, planning and pre-testing phase. As a result, social marketing is an ongoing, iterative effort (Andreasen, 2006).

Figure 4. Andreasen's Six Phases of Social Marketing (Andreasen, 2006, p. 43)



My action based research project loosely used each phase of Andreasen's social marketing process. This meant that during the project, when deemed necessary, I returned to an earlier phase in the process in order to further fact find, test perceptions and evaluate the effectiveness of my current approach. This allowed my project to be sensitive to new findings and I believe better equipped to be responsive.

Although I loosely incorporated all six phases of Andreasen's social marketing approach in my work, I have chosen to break down my methods section into the following three phases to keep the process cleaner and more transparent to the reader: (1) upstream listening phase; (2) downstream listening phase; and (3) the campaign.

Upstream Listening Phase

To get a lay of the upstream landscape, I carried out formative research using secondary and primary sources. This formative research included a phone interview with John Podolinsky, Project Officer with the Department of Environmental Quality Asbestos Control Program. The interview helped me obtain better understanding of potential barriers to compliance and causations of noncompliance.

At the time of the interview, the Asbestos Control Program operated on a \$250,000 annual budget. The Program received, and continues to receive, roughly \$30,000 annually from U.S. Environmental Protection Agency (EPA) to administer the NESHAP regulations as part of a partnership agreement. EPA funding has been declining over the years. The rest of the Program's budget is covered by fees for accreditation, project permits, facility (annual) permits, and training course approval and audits. Asbestos penalties are deposited in the General Fund, from which the Program gets no financial assistance (J. Podolinsky, e-mail communication, November 8, 2008). At this time the Program had two full time staff members responsible for asbestos enforcement for the entire State of Montana, Larry Alheim and Chad Anderson (J. Podolinsky, phone communication, January 2007).

During the interview, Podolinsky shared that the Asbestos Control Program (DEQ) had two mechanisms to influence Missoula building owners and contractors to comply with asbestos regulations—regulatory enforcement and education. He went on to say enforcement was a tool that was used to a lesser degree because the DEQ lacked the manpower to monitor Missoula's public building projects. As a result, John Podolinsky reported that the majority of DEQ's resources were devoted to offering information and educational opportunities to Missoula public building contractors and building owners, including an annual informational conference as well as classes and trainings. He stressed that his office, "does not have the staffing or the dollars to effectively enforce asbestos regulations in Missoula without the help of local government." Although Podolinsky had held multiple meetings with Missoula health department and building code staff to discuss noncompliance, he perceived that the City of Missoula had little interest in assisting with asbestos regulatory responsibilities (J. Podolinsky, phone communication, January 2007).

To better understand the validity of Podolinsky's perception that the City of Missoula was not interested in assisting with asbestos inspection education and enforcement, I called Don Verrue, Building Superintendent for the Missoula Building Inspection Office. Verrue was of the opinion that most public remodels and demolitions in Missoula were in compliance with asbestos inspection regulations. It is important to note that between January 1997 and April 2007 the Asbestos Control Program reported to the author that it has had 46 Missoula asbestos complaints that have resulted 15 warning letters, seven violation letters and one criminal enforcement case (C. Anderson, e-mail communication, April 16, 2007).

Verrue suggested that rather than a lack of interest in increasing compliance, the Missoula Building Inspection Office lacked the jurisdiction to help enforce compliance with asbestos inspections. He went on to explain that he made DEQ asbestos inspection requirement brochures available on a table outside of the Building Inspection Office. He was unsure if contractors took these brochures. When asked if his office orally informed contractors of the asbestos inspection requirement, he said they did not. However, the Building Inspection Office did direct applicants to contact the Asbestos Control Program on its Building Permit request form. The researcher noted that this directive was in small font.

My interviews with Podolinsky and Verrue led me to believe that there was a need for an upstream social marketing intervention that would provide the Building Inspection Division with legal jurisdiction to help the DEQ Asbestos Control Program ensure a higher level of local compliance with asbestos inspections. Based on this belief, I turned my attention to seeking out model policies or successful examples used in other communities to address noncompliance on a local level. I was able to identify some exemplary policies, and I performed conversational interviews with government officials responsible for implementing and enforcing those policies. Recognizing the importance of finding examples that were regionally relevant, I worked with Podolinsky in selecting Montana communities that have, due to community concern about noncompliance with asbestos inspections, implemented local procedures to increase inspections: Great Falls and Livingston. In addition, I prepared a study on Austin, Texas. Austin was selected because it has received national acclaim for the effectiveness of its procedural approach

and, like Missoula, has experienced multiple years of unprecedented growth. All three case examples are based on interviews with those in the building inspection offices who are most familiar with asbestos inspection procedures and policy. John Podolinsky pinpointed the proper interviewees for Great Falls and Livingston. To pinpoint the appropriate contact in Austin I contacted the permitting center of the city Building Inspection Division.

Each of the community case examples, Livingston, Great Falls and Austin, share the common goal of increasing compliance with asbestos inspection regulations. These communities have adopted a unique local procedure to work towards this goal. To date, none of these communities have performed quantitative analysis on the impact of their locally adopted procedure on compliance rates; however, all interviewees stated that they believed their community's procedures have led to an increase in compliance without impacting development. Additionally, they believe the procedures have changed the community norm from noncompliance to compliance.

Case Example #1: Great Falls, Montana

While a number of Montana cities are experiencing an economic boom in the West, Great Falls is treading water. Its estimated population decreased from 56,690 in 2000 to 56,215 in 2006. The following case example on Great Falls is based on interviews with Jay Parrot, City Building Inspector. In addition to working for the Building Inspection Division, Parrot is a licensed asbestos inspector who runs a private asbestos inspection business during weekends and on weekday evenings.

About 10 years ago, before Jay Parrot began working in 2001 for the City of Great Falls, local government officials became concerned about noncompliance with asbestos inspection regulatory requirements for all public and private razings (e.g., demolitions). As a result, the city adopted a local policy requiring a contractor to provide the county health department with a copy of an asbestos inspection before issuance of a razing permit by the Building Inspection Division. Parrot stated that it has become regular practice for the Great Falls building inspection office to also "watch pretty closely for friable airborne exposure opportunities like improper handling of pipe insulation" when inspecting a building project. If a friable airborne exposure is found because of noncompliance with city, state or federal asbestos regulations, Parrot stated his office will

issue stop-work orders. Parrot believes the state could do more to improve compliance. He suggested this could be accomplished by the state providing greater enforcement and adopting a state law requiring all municipal building inspection divisions to file a stop work order on public building projects that do not have proof of an asbestos inspection (J. Parrot, phone communication, March 6, 2007).

Case Example #2: Livingston, Montana

Livingston is located in Park County, Montana, along the banks of the Yellowstone River. As of 2001, Livingston had a total population of 6,851. Despite having a small population size, Livingston is a popular tourist destination. As a result, it is experiencing a revitalization of its downtown area, with many downtown historical buildings being renovated into high-end lodging and condos.

The following case example is based on interviews with Duncan Edwards, City Building Inspector. In 2006, recognizing the potential health risk associated with noncompliance with asbestos inspection requirements, city officials became concerned that unless they were proactive the city might be held liable for related exposures. As a result, the Livingston Department of Building, Planning and Code Enforcement created a self-supporting asbestos inspector position. Edwards serves in this position, offering asbestos inspections on behalf of the city at below market rates.

Edwards believes the creation of this position has allowed public building projects to have easy access to inspections and catalyzed the building inspection office to more aggressively monitor and issue stop work orders for projects not inspected (Duncan Edwards, phone communication, February 26, 2007). This belief was recently substantiated when Developer Hassan Kangarloo was issued a stop-work order for not following the approved renovation plans for the Guest House Motel, including failing to have a professional inspect the motel before ceiling tiles were torn out, in downtown Livingston. The *Montana Standard* paper reported that on May 8, 2007, the Department of Environmental Quality fined Kangarloo \$64,132 for failing to have an asbestos inspection. The fine also covered violations for failing to have a permit to do asbestos work, using non-accredited workers to do asbestos abatement and not following work practice standards ("Northern Hotel to become condos, offices," 2007).

Edwards seems to strongly believe Livingston's focus on asbestos inspections has resulted in an increase in compliance; however, he also believes his community's asbestos inspection rates could be further improved with the help of the state. During the interview, Edwards seemed audibly upset that no dollars from the 2006-2007 legislative session were earmarked for promoting asbestos inspections through marketing materials or addressing what he sees as inadequate staffing and funding of the Asbestos Control Program. Edwards also stated he would like to be able to run ads in the paper that promote asbestos inspections through messages like "it's the law; perform an asbestos inspection." He believes that in the big picture the state should create a Montana Contractor's licensing exam that includes questions on asbestos inspections. Montana and Idaho are the only two states in the country that Edwards is aware of that do not require an examination before issuance of a contractor's license (D. Edwards, phone communication, February 26, 2007).

Case Example # 3: Austin, Texas

Austin, Texas's metropolitan area has experienced years of unprecedented growth, with the population reaching 1.5 million in 2006. The following case example is primarily based on the work of journalist Kevin Carmody. In January 2001, a series of exposé articles by Kevin Carmody ran in the *Austin American-Statesman*. In this series Carmody calculated that 90 percent of asbestos removal jobs in Central Texas cities were violating state and federal asbestos regulations. His articles go on to frame Austin's noncompliance as a social injustice, establishing that these noncompliant jobs frequently employ undocumented workers to do illegal asbestos removal. Carmody's exposé offered a solution to readers: a local ordinance adopted by San Antonio that required the city to not issue a renovation or demolition permit on a commercial building permit without the owner of the building proving they have complied with federal and state regulations by having a licensed consultant inspect for asbestos.

Austin, the state capitol, was left reeling from the article. In response, the Texas State Legislature adopted legislation requiring all public building projects to confirm that an asbestos inspection has occurred before issuance of a public building permit. At the passing of the measure, Jack Millner, a retired union ironworker who has an asbestos-related disease and trains union apprentices on asbestos safety, said, "The results of these

laws won't show up for 20 or 30 years, but there will be a lot of people in better shape because of what happened" (Carmody, 2001).

This legislative mandate requires each county to develop a system to confirm an asbestos inspection had occurred before issuance of a building permit. In many counties the project contractor or building owner simply signs a line on the building permit request form assuring that an asbestos inspection has been completed. But Austin, still feeling the impacts of Carmody's article, chose to require all public building projects show a letter from a certified asbestos inspector confirming an asbestos inspection has occurred before issuance of a public building renovation or demolition permit.

I interviewed Building Inspector Tim Langley who is responsible for all permitting for Austin public building projects. During the interview, Langley explained that Austin's permitting requirement is common policy for Austin builders and building owners and not anymore responsible for slowing down projects than any other permitting requirement (T. Langley, phone communication, March 14, 2007). Moreover, it provided him the authority to shut down projects that were not in compliance.

Case Example Analysis

To analyze and ultimately select one the aforementioned case examples, I reviewed regulatory compliance theory. Compliance theory suggests there are a number of reasons individuals comply with regulations, including a fear of detection and punishment. From my interviews with John Podolinsky, I knew the DEQ lacked the dollars and personnel to regularly carry out enforcement in Missoula, potentially resulting in the regulated community having little fear of detection and punishment—however, as Soren, Winter and Peter May write, "willingness to obey is hardly enough if regulatees do not have the ability to comply" (2001, p. 675). Compliance theory suggests an inability to comply is frequently the result of lack of awareness of regulatory rules. Interestingly, the *Asbestos Compliance Study in Montana* cited regulatees' lack of awareness as a potential cause of noncompliance with asbestos inspection requirements (MT DEQ Asbestos Control Program, 2002).

In response to these findings as well as Don Verrue's request for jurisdiction, I developed the following criteria in selecting a case example to address Missoula's noncompliance. First, a selected model must educate regulates of asbestos inspection

requirements. Secondly, it must motivate them to comply fully with the asbestos inspection requirements (not just renovation or demolition). And finally, it must provide the city with jurisdiction to help promote and enforce asbestos inspection requirements.

Table A. Summary Analysis of Case Examples

Community	Interventions	Policy	Services Required	Outcomes/Impacts
Overhead	By Town Citywide Local	Ordinance requiring all asbestos inspections prior to renovation or demolition	Standard: Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey	Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey
Overhead	By Town Citywide Local	Ordinance requiring all asbestos inspections prior to renovation or demolition	Standard: Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey	Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey Contract: Asbestos Survey

Table 3. Summary Analysis of Case Examples

Community	Interviewee	Policy	Educates Regulated Community?	Motivates Regulated Community?	Municipal Jurisdiction
Great Falls, MT	Jay Parrot, City Building Inspector	Ordinance requiring proof of an inspection before issuance of a razing (i.e., demolition); building permit for public building projects.	Somewhat. Educates that an demolition is required for public educate them that an inspection is required on public building renovations.	Somewhat. Motivates to comply with demolition requirement but not renovation.	Somewhat
Livingston, MT	Duncan Edwards, City Building Inspector	Created an in-house, fee-based asbestos inspector position that can be hired by public building owners and contractors to carryout required asbestos inspections.	Potentially. The creation of this position provides easy access to inspections. Edwards reported that it also has catalyzed the building inspection office to more aggressively monitor and issue stop work orders for projects that have not received a required asbestos inspection.	Potentially. Edwards believes the enforcement culture is more common, causing building owners to perceive a heightened risk to noncompliance.	No
Austin, TX	Tim Langley, City Building Inspector	Ordinance requiring proof of an inspection before issuance of a building permit for public building renovations and demolitions.	Yes. Can't get a permit without proof of an inspection. All seeking a permit are educated of the inspection requirement through the permitting process.	Yes. You can't legally move forward with a project without an inspection. Langley believes that almost all public building projects are now in compliance with required asbestos inspections.	Yes

Table 3, on the preceding page, provides the reader with an overview of each of the case examples analyzed as well as each model's ability to meet the aforementioned criteria. Based on my findings detailed in Table 3, the model policy that appeared best equipped to educate and motivate compliance in Missoula while providing jurisdiction to the city was Austin's ordinance requiring proof of an inspection before issuance of a building permit for a public building project.

At this stage of my formative research, I was unsure if a downstream intervention was needed. However, I was quite certain an upstream intervention targeting local health and building decision makers to lobby for and adopt Austin's ordinance model would provide the Missoula Building Inspection Office the jurisdiction it desired to help the DEQ combat local noncompliance with asbestos inspection requirements. Such an ordinance would also raise awareness of and motivation to comply with asbestos inspection regulatory requirements.

When I came to this conclusion, I struggled with whether I should move forward with an upstream intervention before performing downstream analysis. After much deliberation, I decided to move forward with an upstream intervention in-tandem with launching my downstream listening phase.

Downstream Listening Phase

This phase of the project consisted of University of Montana Internal Review Board approved interviews with three local contractors of mid-sized, successful construction companies: the owner of a building dismantling and salvage materials company, the owner of a general construction company, and the owner of a construction company that specializes in remodels and renovations. These interviews occurred during September and October of 2007, well after my upstream campaign was under way.

Due to the nature of the subjects explored in these interviews all interviewees identities were kept anonymous. There were three prominent barriers to compliance that arose from my downstream listening phase: regulatory ignorance, willful negligence and educational tactics.

As mentioned in earlier sections, *Asbestos Compliance Study in Montana* suggested that many Missoula contractors and building owners were unaware or willfully ignorant of asbestos inspections requirements. Both of these suspicions were reinforced

during my interviews with the aforementioned contacts. Only one of the three interviewed contractors knew an inspection was required on a public building renovation before I contacted them for an interview. This interviewee was familiar with asbestos inspection requirements but only because he had previously been cited for transporting asbestos improperly. In fact, until that point he explained, "I did not know that there were any state or federal asbestos regulations on transporting asbestos, just that Allied Waste had a specific protocol for handling and transporting waste" (Anonymous Informant 1, 2007). After this experience, he took it upon himself to learn the regulations to write a newsletter article detailing asbestos regulations for a local building materials center.

In an early interview, Podolinsky shared that he suspected willful negligence was occurring because Missoula builders and building owners who were aware of the asbestos inspection requirements had little motivation to comply because of lack of enforcement (J. Podolinsky, phone communication, May 4, 2004). One contractor admitted that on small jobs in the past he had willfully broken the rules due to the cost of an inspection. He perceived an inspection would cost close to \$5,000 (please note: this is nearly 10 times the actual amount). He went on to admit that he thought this perception might be incorrect. On these small jobs, he explained, "I have been afraid if I include the inspection the owner of the building will call the next guy." He went on to say, "Compliance will only increase if the playing field is leveled and all comply" (Anonymous Informant 2, 2007).

It was noted by two contractors that the DEQ Asbestos Program's recent conference to inform Missoula contractors about asbestos inspections was offered during the month of June. In their opinion, June is one of the busiest months for Montana builders. Not surprisingly Podolinsky also reported the conference had poor attendance. One of these contractors also mentioned that "the educational materials [on asbestos regulations] the DEQ provides to the Building Inspection Division are kept out in the hall." He went on to say that the Building Inspection Division does not give contractors information on asbestos regulations when a permit is issued. He was audibly frustrated about this saying, "the DEQ is ready to slap with a fine without telling us the law." He was of the opinion that the city should get involved in educating Missoula contractors,

going on to say, "maybe the governor needs to get involved" (Anonymous Informant 3, October 12, 2007).

All three interviewees during the interview process expressed a desire to be in compliance. All were supportive of the city adopting an ordinance requiring proof of an inspection before issuance of a building permit. One contractor thought that in addition to this an educational campaign was needed to target contractors; perhaps, a letter detailing the regulatory requirements.

It appeared an ordinance would free two birds with one key: remove upstream barriers to compliance while removing critical downstream barriers to compliance, including regulatory ignorance, willful negligence and the perception that the playing field rewarded noncompliance. Based on these admittedly limited numbers of interviews, it appeared the ordinance might be met with very little resistance from downstream stakeholders.

My approach to combat a downstream compliance problem with an upstream intervention is supported by leaders in the social marketing field including Alan R. Andreasen. In his book on the role of upstream interventions, *Social Marketing in the 21st Century*, Andreasen (2006) writes, "Removing upstream causes of undesirable behavior or impediments to social change often requires the creation of specific penalties for noncompliance or specific incentives for compliance. Penalties and incentives, of course, first require specific individuals to take action to create them" (p. 148).

Armed with a proven case examples and social marketing theory, I moved forward with planning my campaign.

The Campaign

Recognizing that Missoula was being exposed to asbestos through rampant noncompliance with asbestos inspection requirements, I designed and implemented an informal community social marketing campaign targeting Missoula decision makers responsible for public health and building code enforcement to support, lobby for and adopt an ordinance requiring proof of an asbestos inspection before issuance of a building permit on public building renovations and demolitions. This campaign strived to change personal behaviors of decision makers who were, to my knowledge, taking no or little action to address noncompliance with asbestos inspections, and heighten awareness of the

importance of adopting an ordinance requiring proof of an inspection before issuance of building permit among this audience of busy, socially aware and politically influential individuals.

Andreasen (2006) supports this type of upstream approach writing that: social marketing is appropriate if the goal is to induce someone in power to create, lobby for, or vote for specific legislation to bring about desired social change. It is also appropriate for motivating a bureaucrat to implement new or existing laws or regulations that would contribute to increased social welfare. (p. 153)

The campaign's overarching strategy was to focus on face-to-face conversations with our target audience and involve the media if this tactic was not catalyzing behavior change. Expert community organizers told us this strategy would allow us to build trust with our audience, isolate champions and fly under the radar of potential special interests who might oppose the adoption of an ordinance requiring proof of an inspection (Pearson, 2007).

Campaign Objectives

My upstream listening phase suggested that the target audience had a history of ignorance and inaction surrounding Missoula's asbestos inspection noncompliance. As a result, I created and implemented a small, highly targeted effort to accomplish four objectives:

1. Raise awareness about Missoula's noncompliance with federal asbestos inspection requirements;
2. Inspire a sense of responsibility to address noncompliance; and
3. Popularize the adoption of an ordinance requiring proof of an inspection before issuance of a building permit.
4. Catalyze adoption of an ordinance requiring proof of an inspection before issuance of a building permit.

Each of these objectives was intended to move my target audience along Prochaska's and DiClemente's Stages of Behavior Change (Norcross and Goldfried, 2005). For instance, Objective 1's goal, as pictured in Table 4 on the following page, was to move my target audience from a state of pre-contemplation to a state of contemplation. Objective 2's

goal, as pictured, was to move my target audience from a state of contemplation to a state of preparation by imbuing them with a sense of responsibility to act. Objective 3 and 4's goals, as pictured, were to move my target audience to a state of action by supporting and adopting an ordinance requiring proof of an asbestos inspection before issuance of a public building permit.

Table 4. Campaign Objectives in Relation to Stages of Behavior Change

Stages of Behavior Change	Campaign Objective
Pre-contemplation	One
Contemplation	Two
Preparation	Three
Action	Four
Maintenance	No objective

Campaign Resources (Or Lack Thereof)

Marketing campaigns require two critical resources: money and time; two things that were in short supply for a campaign that had no budget and one staff member who had another full-time job directing a children's science center.

Luckily to achieve the aforementioned objectives the campaign only needed to inspire a select group of Missoula decision makers responsible for public health and building code to support the adoption of an ordinance requiring proof of an inspection before issuance of building permit. The select nature of this audience allowed me to rely on face-to-face tactics rather than a large splashy campaign.

Using the Face of Noncompliance to Sell Behavior Change

It was decided that the most effective way to sell the ordinance to the campaign's target audience of decision makers responsible for public health and building code policy was to put a face to noncompliance. This face, as mentioned in the opening of this paper, was dangerous and ugly. It had resulted in a Missoula daycare being exposed to asbestos and the sole example of a Montana violator being criminally prosecuted (J. Podolinsky, personal communication, May 2004). To the advantage of the campaign we suspected that Missoula decision makers were uniquely aware of the health implications of asbestos exposure because of the community's proximity to Libby, Montana. To date Libby has had more than a thousand people diagnosed with asbestos related disease and over 200

that have died from asbestos exposure as a result of a now defunct vermiculite mine owned by W.R. Grace. Libby listed a Superfund Site in 2000 and has become a national icon of government and corporate neglect.

Tactical Intervention Design

Armed with the face of noncompliance, campaign objectives as well as perceived barriers to compliance, I crafted my intervention tactics:

1. Reframe noncompliance from a DEQ problem to a Missoula public and occupational health threat.
2. Focus messaging on the adoption of a city ordinance as a simple, proven community-based way to increase compliance with Montana and federally required asbestos inspections.
3. Isolate champions through face-to-face conversations to spearhead ordinance adoption.
4. Stay flexible and take advantage of opportunities as they arise. This would prove to be critical, particularly due to the campaign's budgetary constraints.

Campaign Pre-Testing, Implementation and Monitoring

The campaign was launched in spring 2007 and came to end on February 11, 2008. Table 5, Campaign Milestones, is designed to provide you as the reader a road map of the campaign – from securing our first ordinance champion, to the final step of the campaign: ordinance adoption.

I tested and launched the campaign with a call to Podolinsky to see if he would champion ordinance adoption. Not surprisingly, he enthusiastically supported its adoption. Shortly after Podolinsky's commitment I sent a handful of local decision makers responsible for building and public health policy decisions and enforcement an informative invitation to attend a focus group on Missoula's noncompliance. (To review a copy of the informative invitation, see Appendix A.)

Focus group invitee Don Verrue of the Missoula Building Inspection Office was unable to attend, but met twice with me, once before and once after the focus group. At both meetings he expressed support for adoption of a city ordinance, again complaining that his hands were tied without explicit jurisdiction from City Council (D. Verrue, personal communication, March 30, 2007 and April 5, 2007). I treated the first meeting

as an opportunity to pre-test his interest in and support for the ordinance. I suspected his support would be important at the following day's meeting and, perhaps, reflective of how other invitees would feel.

Table 5. Campaign Milestones

Date	Milestone
Spring 2007	DEQ Asbestos Control Program Lead John Podolinsky Becomes Ordinance Champion
April 2007	Director of Missoula Building Inspection Division Don Verrue Supports Ordinance Adoption
April 2007	Target Decision Makers Support Ordinance Adoption
April 2007	City Councilwoman Marilyn Marler Becomes Ordinance Champion
June 2007	Communication Opens between City and State
October 2007	Exposé Article Published in <i>Missoulian</i> Don Verrue Publicly Becomes a Champion
October 2007	<i>Missoulian</i> Supports Ordinance Adoption
November 2007	Ordinance Draft Circulated for Review
February 2008	Ordinance Passes Unanimously by City Council

On Friday, April 2, 2007, five of the nine invitees attended the focus group. Attendees included: Council Member Marilyn Marler, Missoula City-County Health Department staff members Ben Schmidt, Jim Carlson and Missoula City-County Health Board members Ross Miller and Garon Smith. We gathered at Finn and Porter Restaurant from 12:10 to 1:20 pm and discussed Missoula's noncompliance and potential ways to address noncompliance. My goals for the meeting were to reframe noncompliance from a DEQ problem to a Missoula health threat; market the adoption of a city ordinance as a simple, proven community-based way to increase compliance with Montana and federally required asbestos inspections; and isolate at least one champion within this target audience to spearhead ordinance adoption; as well as pinpoint new barriers to ordinance adoption.

All attendees arrived appearing to be in a state of contemplation. The vast majority of attendees had learned about Missoula's noncompliance through my invite. When talking about asbestos inspection requirements for public building projects,

Marilyn Marler stated, "It's not a new law; it needs to be followed." Additionally, Garon Smith noted that noncompliance was a "liability issue" for the city, which was met by several nods by others participating in the focus group. Multiple attendees felt the issue was very relevant to them because they believed they were charged to protect public and occupational health. By the end of the meeting all seemed to support the adoption of an ordinance. However, focus group attendees believed that City Attorney Jim Nugent, Mayor Engen and Don Verrue of the Missoula Building Inspection Office would be critical to ordinance adoption.

By the close of the meeting a second ordinance champion had presented herself, City Council Member Marilyn Marler. Marler committed to taking action by calling Don Verrue and City Attorney Jim Nugent to discuss the potentiality of requiring proof of an inspection before issuance of a permit. (To review meeting notes, see Appendix B.)

From this meeting it was clear that the campaign would need the administrative buy-in of Mayor John Engen and the continued support of Don Verrue.

On June 4, 2007, I met with Mayor Engen and City Manager Bruce Bender for roughly 30 minutes. Mayor Engen had invited Bender to attend. At this meeting the discussion centered on Missoula's noncompliance and ordinance adoption. At the start of the meeting both Engen and Bender appeared to be in a state of pre-contemplation. Both were unfamiliar and surprised by the DEQ's finding that Missoula was 99 percent noncompliant with asbestos inspection requirements. Both men felt the Asbestos Control Program should have shared this finding with their office. It is important to note that the Asbestos Control Program had sent these findings as well as carbon copied the City warning letters and violation letters issued to sponsors of Missoula public building projects. Unfortunately, these documents were not sent to the Mayor's Office, but just the Missoula County Health Department and/or the Missoula Building Inspection Division. (See Appendix C and Appendix D for examples of carbon copied violation and warning letters.) The Asbestos Control Program also sent two requests to the Missoula Building Inspection Division requesting the insertion of a memo outlining asbestos inspection requirements for public building remodeling, renovation, and demolition activities. (See Appendix E for request letter and copy of memo sent on June 7, 2007.)

Engen and Bender appeared open to the idea of a city ordinance but unsure if the city had jurisdiction to take such action. They stated they would meet with Jim Nugent the city attorney to discuss the legality of such an ordinance. Additionally, Bender took issue with the use of the word noncompliance, appearing to feel that it was an inaccurate representation of what was occurring in Missoula, believing inspections were occurring but paperwork was not being filed correctly. This belief was despite his familiarity with the Angel Daycare case as well as a more recent enforcement case that occurred in a local grocery store when contractors did not take proper steps to protect shoppers when cutting tiles containing asbestos. This incident happened in the spring of 2007 and was witnessed by a county health department employee.

Although it had been my hope that this meeting would move Bender and Engen to a stage of action, by the close of the meeting it appeared that Bender and Engen were only in a stage of contemplation.

It was apparent from this meeting that Podolinsky's current system of carbon copying health department and building code officials on noncompliance warning letters was ineffective at reaching two critical members of our target audience: Mayor Engen and City Manager Bender.

Directly after the meeting I contacted John Podolinsky. He immediately added Mayor Engen and Bruce Bender to his contact list (J. Podolinsky, phone communication, June 4, 2007). Communication lines were now open between the Mayor's Office and the Montana Asbestos Control Program. It was my hope these open lines of communication would help move Engen and Bender beyond a stage of contemplation.

In June 2007 we began to see action toward addressing compliance. Verrue and the Missoula Building Inspection Office began attaching a memo to building code permit applications reminding contractors, building owners and others about the requirement to notify DEQ when working on public building demolition and renovation projects. (To review memo, see Appendix E.)

In July 2007, Marilyn Marler followed through with her commitment to meet with Verrue. Also in attendance were Engen and Bender. She sent the following email about the meeting:

We all agree that it is reasonable and desirable for commercial and public buildings to have asbestos inspections at the time of demolition. Bruce and Don are confident that the regs [regulations] are being met for public buildings but there is a breakdown in communication with the state about it – record keeping or something. Bruce does not agree that public buildings are not being handled appropriately. Regarding commercial buildings, though, we discussed how the city can enforce this state regulation. It may be as simple as passing a local ordinance giving us the authority to require proof of inspections (similar to Austin, TX). The mayor and Bruce asked Don to find out from the city attorney how to make this happen. We have a goal of having a solution in front of council later this year.

At this point in the campaign it appeared that the ball was slowly starting to roll; although, there was still some grumbling about the use of the word of noncompliance in relation to public buildings. I suspected this was just semantics and responded to Marler with the following email in August:

As far as Don and Bruce's assertion that the regs are being met for public building projects, I can't help but assume they're confused by the use of the word *public building*. The CAA [Clean Air Act] defines a public building as any commercial or government owned building or residential building with four or more dwellings. Understandably, I think Don and Bruce might be assuming that public refers to government owned rather than the CAA's broad definition. I have copies of warning letters from the DEQ confirming that Missoula's public building projects are regularly noncompliant with the CAA asbestos inspection requirement. Additionally, there is the Angel Daycare enforcement case. Please let me know if any of you want copies of the warning letters or background on the Angel Daycare case.

In September I spoke with Don Verrue who said that the City wanted to adopt an ordinance but it would require Jim Nugent's review, which had not occurred. At this point, I became concerned that our targeted audience of decision makers was temporarily stalled in a stage of preparation.

The campaign's tipping point occurred on October 30, 2007, when the *Missoulian* published an exposé article on Missoula's noncompliance. The journalist responsible, Kim Briggeman, called Podolinsky to ask an unrelated question and instead got an earful from him about Missoula's noncompliance. Podolinsky, as the ultimate champion, and in his usual colorful and passionate manner, was published as saying, "You guys (Missoula) need a little more attention from us. . . . You'd think as green as Missoula is, it'd be right up in compliance with our regulations. You're not. . . . We're at the point of saying, if the training doesn't work we're going to start whacking. . . . People were born at night, but they weren't born last night" (Briggeman, 2007). In the same article Don Verrue explained the City's position on noncompliance. The article reads:

"There are over 3,000 materials that were made with asbestos at one time, and that's what's in our older homes," said Verrue. "If there's any way we can eliminate exposure of asbestos to prevent any related illnesses, boy, that's the way we're going to go." The topic hits home especially hard for Verrue, who just had a good friend die of an asbestos-related disease after exposure to brake lining. Verrue and Missoula are in the process of assembling an ordinance that would require proof of an asbestos inspection before a demolition or renovation permit is issued. It must be reviewed by the city attorney and approved by the City Council, he said. With luck, the requirement will become law before the end of the year.

The article put the city, and Verrue, on the record as being aware of noncompliance, feeling responsible to address noncompliance, and, moreover, actively moving forward with adopting an ordinance to increase compliance. The following day the *Missoulian* published an editorial calling on the Missoula City County to pass an ordinance requiring proof of an inspection before issuance of a building permit. (See Appendix G for an emailed copy of the editorial.) A call to Verrue on October 31, 2008 confirmed that the campaign had found a third champion in him – a champion who had personally felt the impact of occupational asbestos exposure with the death of his friend.

As winter approached, the city took action to assure ordinance adoption. Jim Nugent was involved. A draft ordinance was written and circulated. Verrue had Podolinsky and me help edit the ordinance. Bringing yet another campaign milestone,

for the first time the state and city were whole heartedly collaborating on a shared goal to increase compliance with asbestos inspections in Missoula.

On January 27, 2008, a few days before I was to leave the country, I contacted Verrue to check on the progress of the ordinance. He shared that the ordinance was in its fourth iteration, had the full support of Bender and Engen, and would be sent shortly to the Missoula City Council for a vote. He did not expect any resistance (D. Verrue, phone communication, January 27, 2008).

Behavior adoption was accomplished on February 11, 2007, when the Missoula City Council unanimously passed an ordinance requiring proof of an asbestos inspection before issuance of a building permit for public building projects. I was 5,056 miles away in Madrid, Spain, but cracked a bottle of champagne and celebrated all the same.

CAMPAIGN POSTSCRIPT

This upstream social marketing campaign realized success in each of its objectives to: (1) raise awareness about Missoula's noncompliance with federal and state asbestos inspection requirements; (2) inspire a sense of responsibility and action in key decision makers to address noncompliance; and, (3) popularize and catalyze the adoption of an ordinance requiring proof of an inspection before issuance of a building permit.

Following Missoula's ordinance adoption, others in the Montana asbestos health field appear interested in building upon the campaign. On February 29, 2008, Rick Kim of the Asbestos Abatement Contractors of Montana wrote to association members of the ordinance passage, "This is a great news and progress for the enforcement of asbestos in the state. We commend the efforts of the City and Holly Truitt who we know has made a lot of effort to get this going. The Association will want to build on this". (See Appendix H for copy of email from Rick Kim.)

I spoke to Don Verrue on March 11, 2009, a little over a year after ordinance adoption, to hear his opinion on how downstream contractors and building owners have received and responded to the ordinance. He reported that "at first they had a difficult time adjusting, but through education and working with the state there doesn't seem to be much resistance today." I asked if this type of difficulty and resistance was the norm when implementing new permitting procedure. He responded, "Yes, this is generally the case with new procedure."

When asked if he perceived asbestos inspection compliance had increased since the ordinance was adopted he shared, "It has a lot. The state has noticed it, too." He reported that there have been a couple documented instances of noncompliance since passage of the ordinance with asbestos inspection requirements; however, all instances occurred when a builder started a commercial project without any required building permit. In each of these cases, Verrue reported he prosecuted where he had jurisdiction and contacted Asbestos Control so they could prosecute for violating asbestos inspection requirements. Verrue went on to say, "I believe the ordinance, and your work, has made Missoula a much safer community. With W.R. Grace and my own personal lose to asbestos, I totally support the ordinance." I asked Verrue, if given an opportunity to talk

to decision makers who were facing a similar noncompliance issue as Missoula had addressed, what he would share. He enthusiastically and warmly responded, "I would invite them to call us and really encourage them look at our ordinance and adopt something similar." In closing, Verrue reported that the Asbestos Control Program and his office regularly communicate as a result of the ordinance.

Reflections

The campaign was more fruitful than I or my committee ever expected or hoped. It resulted in a great deal of productive discourse, action and ultimately behavior change and adoption. In part, the success of the campaign was the result of its face-to-face approach, commitment to building consensus, awareness of the stages of behavior change, and its ability to isolate and involve champions. However, I believe the greatest contributor to the success of the campaign was the ripeness of the issue with the campaign's target audience. By ripe I mean: decision makers had a compelling sense that the problem is worthy of solving. As John Kingdon (1995) explains, this compelling sense frequently is induced by events and happenings in the greater sociopolitical landscape, including disasters, media coverage, and changes in governmental power.

Curbing noncompliance with asbestos inspections was an issue that had great potential for ripeness with Missoula decision makers. They were and continue to be uniquely aware of the occupational and public health risks of asbestos exposure because of Libby, Montana. The plight of Libby, including the listing of the community of Libby as a Superfund site, served as a focusing event for Missoula, Montana, and the nation on the health implications of asbestos exposure. Since 1999, the story of Libby and its residents have been on our televisions, radios and in our newspapers. I recently searched Google with the following phrase, "Libby, Montana Asbestos." My search resulted in over 30,000 hits that included national media sources as the *New York Times*, *Washington Post* and *CNN*. On a local level Missoula's paper, the *Missoulian* runs stories on the Libby's clean-up and residents on what seems like almost a monthly basis. Since the story of Libby's asbestos contamination broke, two award winning books and a documentary film have been produced documenting the suffering and injustices experienced by the Libby community. This constant media reminder of the health implications of asbestos exposure, I believe made Missoula decision makers receptive

and primed to have a meaningful discourse on Missoula's noncompliance and ultimately open to adoption of the campaign's marketed ordinance.

Like so many other social marketing campaigns, the greatest shortcoming of the campaign was that no time or resources were devoted to post-campaign evaluation and monitoring. As a result, the campaign has no quantitative analysis of the impact of the ordinance on downstream compliance with state and federally required asbestos inspections. At this time, there is no quantitative analysis on the impact on Missoula's compliance rate. It is my hope that the Asbestos Control Program will evaluate the quantitative impact of Missoula's community-based ordinance to see if this ordinance model might serve as a statewide model. It would be inspirational if Montana could follow Texas' lead, and eventually adopt statewide legislation requiring proof of an inspection before issuance of a building permit.

I do not believe my upstream approach addressed downstream interviewees' concern for more asbestos regulatory education. From my conversation with Verrue, it appears that the city and state are working with Missoula contractors and building owners to educate them on the ordinance, its requirements as well as value. I tip my hat to both offices for committing resources to educating downstream contractors and building owners. Two additional steps I believe the Asbestos Control Program should take are: (1) shift the annual DEQ asbestos conference to a winter month when Missoula contractors have free time, and (2) send an informational invite to this conference that includes an overview on regulatory requirements.

Campaign Lessons

Tragically, Missoula is not alone in its noncompliance—Great Falls, MT, Boston, MA, Austin, TX and Livingston MT, to name a few, have struggled to address noncompliance with asbestos inspections. During the course of this upstream social marketing campaign, I learned multiple lessons that I hope might be of value to these and other communities looking to address noncompliance with asbestos inspections through an upstream intervention.

Lesson 1: go into the campaign with the problem quantified and a potential policy or procedural solution to the problem. One can quantify compliance, like the Montana DEQ did in its *Asbestos Compliance Study in Montana*, by comparing state asbestos

inspection permits to city-county public building renovation and demolition permits. When selecting a policy or procedural solution, it can be unique or perhaps modeled on another community like the Austin and Missoula ordinances requiring proof of an inspection before issuance of a building permit.

Lesson 2: isolate who the public health and building policy decision makers are in your community—they will be your target audience. To do this I suggest searching your city-county website to get the names of those serving on and in your community public health and building code committees and offices (this will likely include council members, city staff and citizens). Also, find out who directs your local building code office and public health office. An unexpected addition my campaign's target audience was the local administration, including Mayor John Engen, City Manager Bruce Bender, and City Attorney Jim Nugent. As a result, I suggest including the city administration in your campaign from day one.

Lesson 3: builds off of Lesson 2—recruit and involve champions, you will likely find some of them while isolating your community public health and building policy decision makers. A champion can take many forms: she can be a decision maker, a person impacted by the problem or an expert on the issue. My experience suggests that it is advantageous if a champion is a recognized community opinion leader with relevant expertise and a solid reputation with your target audience.

Lesson 4: craft a message that resonates with your target audience. Never forget your message is one in a choir of very important and pressing issues demanding your target audiences' attention and action. As a result, your issue must stand out amongst all others. In this instance, I found a health justice message extremely persuasive with decision makers who are charged to protect the health and well being of their community—in the process of isolating your target audience and crafting a relevant message, you will likely also find your champions.

Lesson 5: be a respectful, authentic and responsive facilitator of change. At all times when working with local decision makers, I stayed positive, optimistic and strived to create a sense of ownership in addressing the problem. This approach was authentic to who I am as a facilitator. If my audience appeared surprised by Missoula's noncompliance findings, I would empathize with their lack of familiarity with the issue

and recount my own shock when learning of the problem from John Podolinsky. I was mindful to let the information gathered during discussions with decision makers' influence my next action—as was exemplified, when I focused energy on working with John Podolinsky to copy Mayor Engen and City Manager Bender on noncompliance incident reports. I believe my approach of respectfully informing decision makers of the problem, involving them in the problem solving and then quietly addressing their disbelief or concerns, allowed me to figuratively “slip under the door” without anyone involved feeling attacked or resistant.

Lesson 6: be strategic and conservative about using the media. For this campaign, we focused on face-to-face conversations until the perfect opportunity knocked to involve the media. Interestingly, when contacted by a journalist both Podolinsky and Verrue suggested the journalist contact me about Austin's ordinance model. I believe focusing our energy on a face-to-face approach allowed me to build trust with my target audience and still allowed us to use the media to provide the final push apparently needed to catalyze behavior change and adoption. I strongly believe that if we had involved the media on day one of the campaign we would have alienated our decision makers, which may have resulted in backlash and resistance to adoption of the ordinance.

Lesson 7: religiously track and analyze where your target audience is in the stages of behavior change and respond strategically to these stages. At the start of the campaign, I found my target audience on the whole in a stage of pre-contemplation. By tracking stage of behavior change, my campaign was able to feed information to critical decision makers to help move them through the stages of behavior change (e.g. carbon copying noncompliance notices for key decision makers who were in a stage of contemplation to help move them to a stage of action).

Lesson 8: know how policy and procedure in your community is adopted and implemented. High school civics class can help with this task, but ultimately I found the real insights came from my targeted decision makers. Before implementing the campaign, I did not realize the critical role Jim Nugent's legal review plays in moving forward or stalling a proposed piece of Missoula city policy. From where I sit, access to Jim Nugent appears to rest in the hands of the city administration. This experience has truly highlighted the importance of not only having a council member like Marler and

staff member like Verrue champion new policy, but also the importance of involving the Mayor.

Lesson 9: arrange and facilitate face-to-face meetings much like you would chair a committee. By this I mean: have a clear agenda that you communicate to invitees in advance, including the problem you would like to discuss, why you feel it's relevant, and when you would like to meet with them to discuss the problem and potential solution. For example, in advance of each face-to-face meeting, I provided a succinct written overview to each invitee that included formative information on Missoula's noncompliance as well as detailed my project goal (e.g. raise awareness about Missoula's noncompliance and work to address this noncompliance). In the overview, I highlighted why noncompliance was a problem and why it was relevant to the community. All of this was communicated in a non-accusatory, non-confrontational, and non-dramatic manner. At the close of this overview, I requested an opportunity to meet. In the case of the focus group, I provided a specific meeting time and location. And, before selecting this meeting time, I did my homework, researching when various invitees had their monthly health and building code committee meetings. This helped ensure there would not be too many scheduling conflicts. It is important to note that I did follow-up calls with all focus group attendees who could not attend meetings, in order to provide an opportunity to discuss the issue in greater detail, gather their thoughts and share what came out of the focus group meeting.

The final and, perhaps most important lesson (Lesson 10): institutional change is slow. Right now, as I type this paragraph, I have a note card on my computer that reads patience. Patience is the backbone of any campaign daring to attempt institutional change. The bottom line: problems are rarely born overnight and rarely will be fixed overnight. As a result, I recommend patience be equally met by persistence. As an action based researcher persistence means to me: follow-up and stay in regular communication with your campaign's target audience and champions, keep knocking on doors, and talk to anyone who will listen to you about the issue.

CONCLUSIONS

This project used social marketing in an upstream context to inspire decision makers to adopt an ordinance requiring proof of an asbestos inspection before issuance of building permit to help increase compliance with asbestos inspection regulations. My results suggest that social marketing is not only appropriate but also advisable when organizations and individuals are attempting to influence decision makers to create, lobby for, or vote for specific legislation that is beneficial to society. I do not want to suggest social marketers abandon traditional downstream marketing tactics for upstream tactics rather they incorporate upstream tactics into their approach. By relying less heavily on downstream tactics, social marketers can help remove some of the burdens on downstream individuals who are regularly asked to change their behaviors while the political and environmental context stays the same. Additionally, an upstream approach is more affordable, allowing for social marketing tactics to be accessible to all socially minded individuals and organizations.

The success of my research suggests there is a need for social marketing to continue and expand upon its commitment to bringing communication and behavior change tactics to an upstream context, especially when attempting to address regulatory compliance issues. Despite an extensive literature review when implementing this research project, I could find no preliminary criteria or simple framework to employ when deciding if one should take an upstream or downstream approach. As a result, I have created the following preliminary criteria for others working with regulatory compliance issue who are trying to decide if an upstream or downstream approach is most appropriate.

Preliminary Criteria for Deciding on an Upstream Approach

Criteria 1: based on formative research, is there a regulatory or procedural intervention that you perceive will address the issue?

Criteria 2: in the current political and policy context, is it feasible your intervention can be adopted by decision makers? By this, I mean do decision makers appear to have the political will or power to adopt the regulatory intervention you desire?

Criteria 3: Is the issue ripe with decision makers (e.g., do they feel a pressing need to address the issue)? When an issue is ripe; it is paramount you act quickly. The sociopolitical landscape can shift, causing other issues to arise that feel of greater importance to decision makers.

Criteria 4: Do you have direct access to your target audience (e.g., key upstream decision makers) or do you have access through champions?

Criteria 5: Are you comfortable marketing to an upstream audience or do you have collaborators who are comfortable and have the necessary skills?

Criteria 6: is your upstream audience smaller and easier to access than your downstream audience? In my campaign, it would have been extremely difficult to craft and implement a campaign that could successfully reach our downstream audience, which included hundreds of builders and public building owners—this was not the case with our upstream audience.

If your compliance issue meets the first criteria and all or most of the other five criteria, I strongly encourage you to consider an upstream approach or an upstream approach in tandem with a downstream approach.

Today, despite the fact that asbestos kills 10,000 Americans a year, asbestos remains a legal substance in the United States (Environmental Working Group, 2008). Congress has tried again and again to create legislation to provide financial compensation and medical assistance to those afflicted with asbestos related diseases, yet to date no legislation has passed. My campaign's success leaves me optimistic that upstream social marketing tactics might also provide a powerful social change tool for those working on the national political front.

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APPENDIX A. LETTER TO DECISION MAKERS

April 1, 2007

Dear Heidi,

My name is Holly Truitt and I'm a graduate student at The University of Montana. My graduate work focuses on public and environmental health policy and communication. I recently learned of a public and occupational health concern facing Missoula. I was informed about this concern by the Montana DEQ Asbestos Control Program. This Program is charged with preventing asbestos exposure through the enforcement of federal asbestos regulations provided for under the Clean Air Act.

In 2002, the Asbestos Control Program prepared the *Asbestos Compliance Study in Montana*. This study found that 99 percent of demolitions occurring on Missoula public buildings were noncompliant with federal asbestos regulations. All non-residential buildings are considered public buildings under the Clean Air Act. This includes buildings with four or more dwellings but excludes K-12 public and private schools. These schools are exempt from Clean Air Act regulations because they are governed by the federal Asbestos Hazardous Emergency Act.

Based on this study, the Program has derived that the vast majority of Missoula public building renovations and demolitions also fail to receive an asbestos inspection as required by the Clean Air Act. The Program considers asbestos inspections integral to compliance and asbestos exposure prevention.

My thesis research examines the reasons for Missoula's noncompliance with federally required asbestos inspections as well as approaches we could take on a local level to increase inspections and compliance. My research thus far has included interviews with offices in other cities who have implemented local procedures to increase asbestos inspections.

I am arranging a meeting with a handful of local elected officials, health and planning board members and city-county employees. At this meeting I will share my preliminary research on what other cities in Montana and elsewhere are doing to encourage compliance and gather thoughts and ideas about how to increase compliance in Missoula. I would like to include you in this discussion and hope you might have an hour free in April, ideally on Friday, April 13 or 20 from noon – 1:00 pm. Please let me know if either of these dates work with your schedule. If they do not, please email or call with times that work with your schedule.

I will call next week to confirm a meeting time and location. In the meantime, please feel free to call me with any questions. I would welcome the opportunity to talk to you about my research.

Thanks,

Holly Truitt, Masters of Science Candidate
Environmental Studies Program
The University of Montana
Davidson Honors College, 002 E
Missoula, Montana 59812
406.243.4828
Holly.Truitt@umontana.edu

APPENDIX B. MEETING NOTES

Robin Saha's Field Notes from Lunch Meeting on Missoula's Non-compliance with NESHAP Public Building Asbestos Inspection Requirements, Facilitated by Holly Truitt

Meeting Time and Date: 12:10 PM to 1:20 PM, Friday, April 20, 2007

Meeting Location: Finn and Porter Restaurant

In attendance: Ross Miller, Missoula County Health Board; Garon Smith (late), Missoula County Health Board; Ben Schmidt, Missoula County Health Dept.; Jim Carlson, Missoula County Health Dept.; Marilyn Marler, Missoula City Council; Holly Truitt, UM; Robin Saha, UM

Also invited but absent: Don Verrue, Missoula Buildings Office (interviewed separately before meeting by Holly Truitt)

The purpose of the meeting was to inform decision makers about the problem of non-compliance with asbestos inspections of public building renovations and demolitions in Missoula and seek input about means of addressing the problem. Political and practical barriers to steps to increase compliance were also to be sought for Holly's professional paper. All participants seemed very willing to participate.

Holly started out with introductions and overview. Her presentation covered background on her project, what is known about non-compliance, what other cities in Montana and Austin, TX, are doing to improve compliance. She never got to her slides of questions for the participants.

The question quickly came up whether the Building Code requires a permit. I didn't note what the answer was. Holly may have known and stated. An application form for (renovations and demolitions?) was handed around. There was some discussion about the sheet.

Someone also asked whether the state has required anything for residential buildings. Holly explained that NESHAP doesn't cover residential buildings. She also explained that this is not what we're talking.

Ben Schmidt asked if a remediation plan has to be submitted if asbestos is found. I'm not sure if he was referring to other cities or Missoula currently or hypothetically. Someone said those recommendations are in the inspector's report, but Holly said that she will check.

Some question arose about the Park County landfill.

Someone asked if city-county building inspectors (building office) were invited. Holly explained that she had talked to Don Verrue who had liked the Austin model, but wanted to know if regulatory authority to require inspections existed in Missoula.

Ben talked about burning buildings for demolition or for fire fighter practice. There was a good deal of discussion about this – about how permits are carefully scrutinized and about the different types of asbestos-containing materials that can be found and need to be removed. It seemed that asbestos inspections are required or standard operating procedure, though my notes don't indicate if that was stated (nor do I recall). There did, however, seem to be consensus that if this is required for burning demolitions, it could be required for all other demos and for renovations.

Some discussion arose about whether vermiculite insulation is covered under NESHAP. Neither notes nor memory can offer more valuable details on this.

Marilyn Marler said that it would be easy and sensible to have the Building Office get an inspection letter before approving all permits/applications for demos and renos.

Jim Carlson and Ross Miller talked about the 4-5 mile buffer around the city at which the Missoula County Health Board can enact requirements. This is due to the County being limited to passing laws and regs that the State Legislature authorizes. The 4-5 mile buffer is within the city's sphere of influence or some such thing.

Jim Carlson emphasized the importance of the Building Office being involved and buying in.

Someone said that perhaps any new requirement could have an exception if the building was built after 1974 (it was unclear to me why that was a significant date), but someone else pointed out that buildings may have asbestos until the early 1980s.

Ross wanted to know what is the enforcement rationale. Why not apply this to private buildings? He never really got his question answered from what I could tell other than that is what NESHAP says. I think the rationale is that what you do in your own private dwelling is your business, but the public has an interest in public buildings and therefore the government has a responsibility and obligation to protect member of the public who would have no way of knowing if they were exposed and thus the approach must be preventative.

In some discussion of enforcement, someone brought up that there is a paper trail of asbestos removals at the landfill and why not try to obtain those to see if certain builders are not complying, but someone else pointed out that Allied Waste is a private business and could not be compelled nor would want the expense or time to provide such info.

Marilyn Marler thinks private buildings are a separate issue and that issue awareness with spillover to others if public building inspections get more attention.

Toward the end of the meeting participants seem to agree that something should and could be done. All seemed in favor. Discussion began to focus on who would do what and how next steps should be carried out.

Marilyn Marler said she will call Don – and maybe Jim Nugent (the city attorney). She said “It’s not a new law.” She stated that it needs to be followed. Garon Smith stated to several nods by others that this is a liability issue for the city. He also talked a bit about the renovations to the Chemistry Bldg on the UM campus.

Holly indicated that she is doing outreach to the trade organizations. Reactions were muted, but the meeting had already gone 15 minutes over.

Garon Smith said that if the County initiated anything it would hold a meeting with impacted individuals.

It was agreed that the Building Code division would be the agency most affected. Jim stated that other agencies don’t like to have others tell them what to do.

There was some discussion about the 160 square-foot threshold, but it wasn’t clear what that was (Holly indicated privately needed to follow up on that).

There was a bit more discussion about how a mandatory inspection would be implemented. Don wanted to know if report would be kept on file. He seemed very concerned at several points during the meeting about the specifics of how an inspection would be documented. Anybody could sign that they had one done, but it was agreed by all present that the inspection report must be shown and provided. Some questions still remained about how any work that needed to be done would be verified or approved.

All present expressed their appreciation for having the issue brought to their attention.

Ross commented after the meeting adjourned that he knew John Podolinsky from college.

-RS 4/29/07

APPENDIX C. VIOLATION AND WARNING LETTERS FROM DEQ

April 5, 2006

WARNING LETTER

Mr. Jim Buckley
Buckley Builders
5195 Lupine Road
Missoula, MT 59803

CERTIFIED MAIL
7005 0390 0002 7647 8392

Mr. Gary Gullard
216 East Main
Missoula, MT 59801

CERTIFIED MAIL
7005 0390 0002 7647 8408

**Re: Asbestos Complaint – Asbestos Warning Letter for Non-Compliant
Renovation of 216 East Main Street in Missoula, Montana**

Dear Mssrs. Buckley and Gullard:

The Asbestos Control Program (ACP) of the Montana Department of Environmental Quality (Department) investigated an anonymous complaint concerning asbestos and the renovation of 216 East Main Street in Missoula, Montana.

On April 3, 2006, I spoke with Mr. Buckley about renovation activities that occurred at the site. Mr. Buckley informed me that the renovation included the removal of sheetrocked walls and ceilings that were less than 10 years old. Although the potential for relatively new materials like wall or ceiling sheetrock to contain asbestos is slim, without an asbestos inspection it cannot be proven they did not contain asbestos. You also informed me you sheetrocked over some cement asbestos board that was in the bathroom. Since the wall and ceiling materials you removed are no longer on site, it is not possible to test them for asbestos. Please be aware that if you undertake future building renovation or demolition activities, an asbestos inspection, as explained above, is necessary. I enclosed a list of asbestos companies that can assist you with inspection requirements.

According to the Administrative Rules of Montana (ARM) 17.74.335(9), the Department hereby adopts and incorporates by reference 40 Code of Federal Regulations (CFR) Part 61, Subpart M, 1993 edition. 40 CFR 61.145 states: "to determine which requirements of

paragraph (a), (b) and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos..." The Department requires this inspection to be performed by an inspector accredited by the Department according to ARM 17.74.314(1)(a). The Department's investigation has concluded that renovation activities at 216 East Main Street were not inspected for asbestos prior to renovation, which is a violation of the ARM 17.74.335(9) and 17.74.314(1)(a).

It is the Department's policy to contact building owners and contractors to provide the information necessary to ensure one's awareness of the rules. By providing this information, the Department can assist building owners and contractors, who conduct renovations and demolitions, in complying with the Administrative Rules of Montana. The Department has closed the complaint in our computerized enforcement database. Please note that the documentation will remain in your file.

If you have any questions, or if you have information that would refute the complaint, please contact me at (406) 444-2690.

Sincerely,

John Podolinsky
Air Quality Specialist
Asbestos Control Program
Air & Waste Management Bureau

Enclosures: List of asbestos companies
ARM Chapter 74, subchapters pertaining to asbestos
40 CFR Part 61, subpart M (NESHAP)
Asbestos Brochure

cc: Chad Anderson, DEQ Enforcement Division
Don Verrue, City of Missoula Building Inspection, 435 Ryman, Missoula
59802
Linda Ito, R.S., Missoula City-County Health Dept., 301 West Alder,
Missoula, MT 59802
file

June 16, 2005

CERTIFIED MAIL
#7003 1010 0004

1869 1647

Mr. Michael Strawbridge
Standard Capital Corporation
525 East Spruce Street
Missoula, MT 59802

Mr. Dakin Strait
P.O. Box 1327
1869 1630
Seeley Lake, MT 59860

CERTIFIED MAIL
#7003 1010 0004

Re: Violation Letter regarding an asbestos complaint related to the renovation of the commercial building at 541 South Higgins Avenue in Missoula, MT, CVID #8892

Dear Mr. Strawbridge and Mr. Strait:

On March 7, 2005, the Asbestos Control Program (ACP) of the Department of Environmental Quality (Department) received an asbestos complaint concerning the renovation of the commercial building located at 541 South Higgins Avenue in Missoula, Montana.

On March 16, 2005, I visited the site and conducted an asbestos/renovation regulatory compliance inspection. I met with Mr. Strait who was conducting renovation activities in the building. Mr. Strait and I discussed renovation activities occurring at the site and asbestos regulatory requirements, most notably the requirement to inspect for asbestos prior to commencing renovation activities. I documented that the plaster ceiling and part of the dry walled walls on the main floor had been removed. Heating system ductwork in the basement was insulated with suspect asbestos-containing material. In subsequent conversations, both of you said the building had not been inspected for asbestos prior to beginning renovation activities, as required by State and Federal asbestos regulations.

According to Administrative Rules of Montana (ARM) 17.74.335(9), the Department hereby adopts and incorporates by reference the enclosed asbestos NESHAP (National Emission Standards for Hazardous Air Pollutants), 40 Code of Federal Regulations (CFR) Part 61, subpart M, 1993 edition. The Standard for demolition and renovation, 40 CFR 61.145, states: "to determine which requirements of paragraph (a), (b) and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos..." According to ARM 17.74.314 (1)(a), the Department requires

asbestos-related work such as this asbestos inspection to be performed by an asbestos inspector accredited by the Department. Based on the lack of the pre-renovation asbestos inspection, the Department finds the renovation activity non-compliant with its asbestos inspection requirements listed above and as a result issues this Violation Letter to each of you.

During my inspection on March 16, 2005 I asked Mr. Strait to communicate with Mr. Strawbridge about having the renovation inspected for asbestos. I provided Mr. Strait with asbestos/renovation information, including a list of asbestos consultants from which either of you could contact accredited asbestos inspectors for asbestos inspection services. On March 22, 2005 I phoned Mr. Strawbridge and we discussed having the renovation inspected for asbestos. Mr. Strawbridge informed me he had received the asbestos information I gave Mr. Strait, including the list of asbestos consultants. Since March, I have called Mr. Strawbridge on three occasions about having the renovation inspected for asbestos and I have yet to hear that the renovation has been inspected for asbestos. To bring your renovation activities into asbestos/renovation regulatory compliance, you must have the renovation inspected for asbestos by an asbestos inspector who is accredited by the Department. Please have the inspection done in the next 10 working days from receipt of this letter and provide me a copy of the inspection within 10 working days thereafter.

If you have any questions, please contact me at (406) 444-2690.

Sincerely,

John Podolinsky
Air Quality Specialist
Asbestos Control Program
Waste & Underground Tank Management Bureau

Enclosures: ARM Chapter 74, subchapters pertaining to asbestos
40 CFR Part 61, subpart M (NESHAP)
cc: Chad Anderson, DEQ Enforcement Division
Steve Hutchings, City of Missoula Building Inspection, 435 Ryman,
Missoula 59802
Linda Ito, R.S., Missoula City-County Health Dept., 301 West Alder,
Missoula, MT 59802
file

June 16, 2005

CERTIFIED MAIL

#7003 1010 0004 1869 1654

Mr. Jay LaFlesche
2045 South 12th Street West
Missoula, MT 59801

Re: Violation Letter regarding an asbestos complaint related to the renovation of the former Jay's Bar building at 119 West Main Street in Missoula, MT, CVID #9107

Dear Mr. LaFlesche:

On May 19, 2005, the Asbestos Control Program (ACP) of the Department of Environmental Quality (Department) received an asbestos complaint concerning the renovation of the former Jay's Bar building located at 119 West Main Street in Missoula, Montana.

On May 18, 2005, I spoke with your wife, Stephenie, about the complaint. She and I discussed the renovation you were conducting and we discussed asbestos/renovation requirements, most notably the requirement to inspect for asbestos prior to commencing renovation activities. She indicated you had done some roofing work and were gutting and remodeling the interior of the building. I understand some of the renovation waste was placed in dumpsters owned by BFI (Browning Ferris Industries). Your wife informed me that no asbestos inspection had been conducted prior to initiating renovation work. I emailed her asbestos regulatory information including a list of asbestos consultants from which you could hire a Department-accredited asbestos inspector to inspect the renovation and the dumpster(s) for asbestos.

According to Administrative Rules of Montana (ARM) 17.74.335(9), the Department hereby adopts and incorporates by reference the enclosed asbestos NESHAP (National Emission Standards for Hazardous Air Pollutants), 40 Code of Federal Regulations (CFR) Part 61, subpart M, 1993 edition. The Standard for demolition and renovation, 40 CFR 61.145, states: "to determine which requirements of paragraph (a), (b) and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos..." According to ARM 17.74.314 (1)(a), the Department requires asbestos-related work such as this asbestos inspection to be performed by an asbestos inspector accredited by the Department. Based on the lack of the pre-renovation asbestos inspection, the Department finds the renovation activity non-compliant with its asbestos inspection requirements listed above and as a result issues this Violation Letter to you.

I have yet to hear that the renovation has been inspected for asbestos. To bring your renovation activities into asbestos/renovation regulatory compliance, you must have the renovation and the waste inspected for asbestos by an asbestos inspector who is accredited by the Department. Please have the inspection done in the next 10 working days from receipt of this letter and provide me a copy of the inspection within 10 working days thereafter.

If you have any questions, please contact me at (406) 444-2690.

Sincerely,

John Podolinsky
Air Quality Specialist
Asbestos Control Program
Waste & Underground Tank Management Bureau

Enclosures: ARM Chapter 74, subchapters pertaining to asbestos
40 CFR Part 61, subpart M (NESHAP)
cc: Chad Anderson, DEQ Enforcement Division
Steve Hutchings, City of Missoula Building Inspection, 435 Ryman,
Missoula 59802
Linda Ito, R.S., Missoula City-County Health Dept., 301 West Alder,
Missoula, MT 59802
file

APPENDIX D. COVER LETTER AND MEMO FOR BUILDING INSPECTION
OFFICES

June 14, 2007

«Name»
«Title»
«Location»
«Address»
«CSZ»

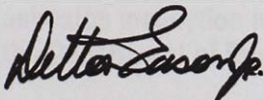
Dear «Name»:

Many building code offices around the State have requested the Asbestos Control Program provide an asbestos memo for inclusion in building code permit applications. As such, we ask you to include the attached asbestos memo dated June 7, 2007, to the building code permit applications you provide to contractors, building owners, and other building code applicants.

We thank you for providing our "Asbestos Think" brochure to contractors, building owners, building code permit applicants, and other interested parties. We realize providing asbestos information to parties is work for you and your staff; however, such cooperative efforts will reduce asbestos illnesses caused by asbestos exposures. As a note, the Asbestos Control Program has noticed a marked increase in referred phone calls from you, a direct result of your efforts, and we commend you.

If you have any questions, or need more copies of our brochure, do not hesitate contacting us at www.deq.mt.gov/Asbestos/index.asp or (406) 444-5300.

Sincerely,



for
John Podolinsky
Asbestos Control Program

for
Pierre Amicucci

D Eason

Waste & Underground Tank Management Bureau

Enc: Asbestos Inspection/Building Code Official Memo Dated June 7, 2007
Path: G:\WUT\ASBESTOS\Memos\bldgcodecovltr2007.doc

PERMITTING & COMPLIANCE DIVISION

Waste & Underground Tank Management Bureau

MEMORANDUM

TO: Contractors, Building Owners, and Building Permit Applicants

DATE: June 7, 2007

FROM: Department of Environmental Quality, Asbestos Control Program

SUBJECT: Required Asbestos Inspection Prior to Building Remodeling, Renovation, and Demolition Activities

According to the Montana Asbestos Control Act (ACA) and Administrative Rules of Montana, (ARM) 17.74.354, an asbestos inspection is required to be conducted prior to building remodeling, renovation, or demolition activities. The asbestos inspection determines whether asbestos-containing materials (ACM) are present and whether the ACM needs to be removed prior to remodeling, renovation or demolition activities. Over 3000 different materials were made using asbestos. Building demolition/renovation activities can disturb ACM releasing asbestos fibers, which can be inhaled or ingested. Exposure to asbestos can result in asbestos related illnesses. Preventing asbestos exposures and complying with applicable regulations starts with a thorough asbestos inspection.

Building demolition/renovation activities include demolition, razing, wrecking, burning, moving, altering the structure and includes, but is not limited to, remodeling, electrical, plumbing, roofing, siding, flooring, insulating, dry walling, painting, texturing, gutting, demolition, mechanical, structural, and other types of deconstruction or related work.

The building owner and the contractor are responsible for ensuring that a thorough asbestos inspection is conducted by an asbestos inspector who is accredited (licensed) by the Department of Environmental Quality (DEQ) in accordance with the asbestos rules.

The Montana Department of Environmental enforces the Asbestos Control Act. Building owners and contractors who violate the ACA are potentially subject to penalties ranging from \$10,000 to \$25,000 per day for each violation.

For more information on the asbestos inspection requirement, locating an accredited asbestos inspector, and other asbestos regulatory requirements, log onto www.deq.mt.gov/Asbestos/index.asp or call (406) 444-5300.

g/wut/asbestos/memos/bldgcode2007

APPENDIX E. Ordinance Number 3368

ORDINANCE NUMBER 3368

AN ORDINANCE AMENDING CHAPTER 15.32, SECTION 15.32.010 MISSOULA MUNICIPAL CODE ENTITLED "BUILDING PERMITS--GENERALLY" TO ADD A PROVISION REQUIRING PERSONS APPLYING FOR A BUILDING OR DEMOLITION PERMIT TO PROVIDE PROOF THAT A TRAINED ASBESTOS INSPECTOR HAS SURVEYED THE AREAS OF THE BUILDING AFFECTED BY THE PROPOSED REPAIR, ALTERATION, RENOVATION, REMODEL, DEMOLITION, LIFTING, BURNING OR MOVING BEFORE A BUILDING PERMIT CAN BE ISSUED.

BE IT ORDAINED THAT SECTION 15.32.010 MISSOULA MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1

15.32.010 Building permits—Generally.

- A. No person shall erect, repair, alter, wreck or move any building or part thereof without first securing a building permit therefore; provided, however, that no such permit shall be necessary for the construction, reconstruction or alteration of a building not used or not to be used for commercial or industrial purposes where the cost of the work does not exceed one hundred dollars.
- B. Application for a building permit shall be made to the building inspector on blank forms to be furnished by the city. Each application for a permit to construct, alter or move a building shall be accompanied by plans and a plat or a survey of the land upon which such movement is contemplated made by a surveyor registered by the state, and a certificate by the surveyor that stakes have been placed upon the corners of the land by the surveyor and that in addition thereto, stakes have been placed by the surveyor marking the outside limits of the structures; provided, that the building inspector may waive the requirements that stakes be placed by the surveyor marking the outside limits of the proposed structure in the event that the building inspector is satisfied, without the placing of such stakes, that such proposed structure will not extend across the exterior lines of the property owned by the applicant and will not violate any of the front, side or rear yard requirements established by Title 19.
- C. No change shall be made by way of relocating any of such surveyor marks or stakes after the application for a building permit has been filed with the building inspector, without the written consent of the building inspector.
- D. No such stakes shall be removed, changed or destroyed prior to the completion of such structure, except such stakes as must necessarily be removed in the process of erecting, altering or moving the structure.
- E. The building inspector shall issue the building permit only after determining that the building, the asbestos inspection survey and the application comply with the terms of this chapter, including the asbestos survey requirements, the provisions of Title 19, and that a zoning compliance permit has been issued.
- F. The building inspector shall not issue a building permit, as set out in this section, for construction of any building in newly annexed areas until such areas shall be zoned.
- G. The building inspector shall not issue a building permit, as set out in this section, to erect, repair, alter, wreck or move any building in any area that is being considered for rezoning if that building would not be a permitted use pursuant to the zoning classification proposed for the real property on which the building permit would be applicable. Real property shall be considered to be under consideration for rezoning whenever rezoning has actually been initiated either by city council action or by property owner petition as authorized under Section 19.72.010 of this code, pertaining to zoning changes. Property owner petitions for rezoning shall be considered to have initiated a rezoning consideration once the city clerk has received a valid and proper application requesting rezoning and the applicable

rezoning application review fees have been paid to the city zoning officials. Any property for which the subdivision review process has already begun and/or any property for which a site plan has already been determined by the city zoning officer to be in compliance with applicable zoning code provisions prior to the time any rezoning has been initiated shall be exempt from the provisions of this subsection. For the purpose of determining an exemption from this provision, the commencement of the subdivision review process means the point in time when subdivision submittal packets are certified by the city planning staff for agency review.

- H. The building inspector shall not issue a building or demolition permit, as set out in this section, to erect, repair, alter, renovate, remodel, demolish, lift, burn or move any building unless an asbestos survey has been conducted on the areas of the building affected by the proposed repair, alteration, renovation, remodel, demolition, lifting, burning or moving. A person seeking a permit must provide the following prior to being issued the requested permit:
1. A certified statement signed by the asbestos surveyor attesting that the asbestos survey is complete must be provided to the building official;
 2. A signed original statement must be provided to the building official indicating that the owner and the contractor have seen the completed asbestos survey and are aware of its contents; and
 3. A signed original statement advising that a copy of the asbestos survey has been sent to the Montana Department of Environmental Quality.
 4. In this section, an "asbestos survey" means an asbestos inspection performed by a trained asbestos inspector licensed/accredited by the Montana Department of Environmental Quality (DEQ).
 5. This section applies to all commercial, public and industrial buildings, as well as residential buildings with five (5) or more units.
 6. A person who obtains a survey of a building in its entirety is not required to obtain surveys for subsequent renovations or demolitions of the building so long as proof of the original asbestos survey is provided to the building official. The survey must be thoroughly conducted pursuant to the Montana Department of Environmental Quality's standards found in the Asbestos Work Practice and Procedures Manual; specifically, it must be conducted by a Montana Department of Environmental Quality accredited asbestos inspector and the asbestos survey must address all building materials impacted or disturbed by the permitted activity.

- I. It is the duty of the city building inspector to enforce this chapter through the proper channels.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED by a 12 Ayes, 0 Nays, 0 Abstain, 0 Absent vote and

APPROVED by the Mayor this 11th of February, 2008.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
Martha Rehbein
City Clerk

/s/ John Engen
John Engen
Mayor

APPENDIX F: *Missoulian* Article

Archived Story

Missoula ignoring asbestos controls
By KIM BRIGGEMAN of the *Missoulian*

John Podolinsky scanned his files in Helena a few weeks back, looking for proof of recent demolition/remodeling projects in Missoula.

There wasn't much. Two projects on West Broadway, but they're on hold. The Delta Gamma house in September. Zeigler's Building Center a while before that .

"You guys need a little more attention from us," said Podolinsky, who works in the asbestos control program for the state's Department of Environmental Quality. "You'd think as green as Missoula is, it'd be right up in compliance with our regulations. You're not."

Missoula contractors and building owners fail miserably when it comes to complying with a state law that requires notification of demolition and renovation plans.

The DEQ compared its demolition records with those the city of Missoula maintained in a three-year period starting in 1999.

Of 100 demolitions, the state agency was notified just once.

"That tells me that Missoula was 99-percent noncompliant with one of our regulations," Podolinsky said. "It also tells me, as a regulator, that those demolitions probably also failed to be inspected for asbestos."

Missoula isn't alone. The study that garnered its lamentable compliance statistics revealed that, statewide, Montana was 78 percent noncompliant with asbestos regulations at the turn of the century.

It's a battle Podolinsky said he and Pierre Amicucci, his partner in asbestos control, can't win on their own.

They've asked for, and to some extent are getting, help from the city to help enforce compliance. Since June, Don Verrue and the Missoula Building Inspection Division have attached a memo to building code permit applications reminding contractors, building owners and others about the requirement to notify DEQ when they're tearing things down.

"There are over 3,000 materials that were made with asbestos at one time, and that's what's in our older homes," said Verrue. "If there's any way we can eliminate exposure of asbestos to prevent any related illnesses, boy, that's the way we're going to go."

The topic hits home especially hard for Verrue, who just had a good friend die of an asbestos-related disease after exposure to brake lining.

"If there's any way we can prevent anybody from going through that kind of illness ▪ it's a very painful way to die," he said.

Verrue and Missoula are in the process of assembling an ordinance that would require proof of an asbestos inspection before a demolition or renovation permit is issued.

It must be reviewed by the city attorney and approved by the City Council, he said. With luck, the requirement will become law before the end of the year.

Such measures will take longer outside the city limits.

The Missoula County building inspection program has been up and running for less than 18 months.

"We're doing well just to get (building) permits issued right now," said the county's chief inspector, Steve Hutchings. "We don't even have demolition permits in the county yet."

That's coming, in what Hutchings said is "the not-too-distant future."

Then contractors would have a check-off item for asbestos abatement.

"It's pretty apparent that self-regulation doesn't always work," Hutchings said. "It does with the guys that want to do it right, but if there's no one there to enforce the rules and you're just relying on people's own good graces or good intentions, it's not always going to work."

Contractors fail to provide for asbestos checks before demolition in part because they don't know they have to, Podolinsky said.

"But I also think a lot of people look at the cost of doing the inspection, or doing the abatement," he said.

Costs range depending on the type and volume of material involved. The average asbestos inspection for a home is probably less than \$600. Abatement costs are steeper.

"Your average attic that might be filled with asbestos-contaminated vermiculite is going to run anywhere from \$3 to I've heard as high as \$15 a square foot to remove," Podolinsky said. "So, yeah, it can get expensive."

But so can the alternative.

Podolinsky said DEQ's last two citations have been against abatement projects, with fines

in the hundreds of thousands of dollars. One involved a company that removed the flooring at the Eastgate Albertsons store in Missoula.

"They thought they could remove mastic and floor tile without any kind of controls," he said. "I can't remember the fine - \$150,000, I think."

That has been pleaded down to \$30,000.

Podolinsky and Verrue both cite the work Holly Truitt is doing on the problem of asbestos inspections.

A master's of science candidate in the University of Montana's environmental studies program, Truitt worked for Sen. Max Baucus a few summers ago, studying the asbestos problem in Libby as part of her graduate work.

A chance phone call to Podolinsky got her interested in the aspect of inspection compliance. Now she's writing a professional paper on it.

"What I'm looking at is what steps can we take on a community level, both on the policy level as well as communication level, to make it so contractors and people who do the renovation aspect as well as the demolition aspect are better informed about asbestos inspections," Truitt said.

She's far from finished. But she's gained two strong impressions talking to area contractors.

"Something I have heard on a regular basis is that there's actually a lack of knowledge of what is required to do as far as asbestos inspections when doing a commercial or public building project," Truitt said. "There seems to be a real hunger for more education."

Secondly, she said, "a lot of people perceive that inspection costs lots more than it actually does."

One contractor estimated a price tag of \$5,000 to have a standard-sized home inspected - nearly 10 times as much as it really does, Truitt said.

Truitt held up a compliance program in Austin, Texas, as a model when she discussed the issue at a meeting with Verrue and Missoula Mayor John Engen in June. It's tailored much like the ordinance Verrue hopes the city will adopt in the next couple of months, requiring an asbestos inspection before a building permit is issued.

Such help is appreciated at the state level, said Podolinsky, who is running out of patience with noncompliant contractors and building owners.

"We're at the point of saying, if the training doesn't work we're going to start whacking," he said. "People were born at night, but they weren't born last night."

APPENDIX G. *MISSOULIAN* EDITORIAL

From: Carol Wolfe [mailto:Carol.Wolfe@lee.net]
Sent: Thursday, May 28, 2009 12:53 PM
To: 'holly.truitt@umontana.edu'
Subject: Editorial as requested

Missoulian editorial / Asbestos ordinance is smart idea //

We here in Missoula are aware that our neighborhoods have a lot of older homes, many of which contain at least some materials made with asbestos. And living so close to Libby, we are also keenly aware of the serious health risks posed by asbestos contamination. If disturbed, tiny asbestos fibers can carry through the air and cling to us, and if we happen to inhale those fibers, they can cause irreversible scarring in the lungs. Our friends and neighbors in Libby have seen firsthand how prolonged exposure to these fibers can cause lung cancer and another horrible disease called mesothelioma, a kind of cancer that attacks that lining of the internal organs. That's why we think an ordinance requiring property owners to get an asbestos inspection before they remodel or demolish a building is an excellent idea. Many other cities in the United States have already enacted similar measures. Currently, renovation and demolition projects must be reported to the state's Department of Environmental Quality, but as reported in the *Missoulian* on Tuesday, that requirement isn't seeing much compliance. In fact, the Montana DEQ noted that, of the 100 demolitions on record with the city of Missoula from 1999 to 2001, only one demolition project was reported to the state. That's cause for concern, especially considering the fact that Missoula sees hundreds of remodeling and demolition projects every year. Nine demolitions took place in September alone. How many of these posed an asbestos-related health risk? Acting on the assumption that most construction contractors and building owners have good intentions but insufficient information, the Missoula building code office has been sending out memos with every permit application to remind them of the state requirement. Call us cynical, but we suspect the lack of compliance has less to do with a lack of awareness and more to do with the cost of asbestos inspections, which can easily reach into the hundreds of dollars. And of course, if asbestos is actually found, the costs of abatement are even higher. That's still cheaper than the alternative, which is being slapped with a fine from the state. But those fines don't do us any good if they are applied irregularly - and only after the damage has been done. Asbestos contamination is a serious enough health risk to warrant a proactive, rather than reactive, solution. It makes sense to require an asbestos inspection before demolition and reconstruction permits are issued. Sometime in the next few months, after it is reviewed by the city attorney, the proposed ordinance will go before the Missoula City Council for approval. Missoulians should start talking to current council members and candidates about supporting this ordinance. Then, we should work on getting a similar ordinance enacted for the county.

APPENDIX H. RICK KIRN LETTER

From: Rick L. Kirn [mailto:rick@envct.com] **On Behalf Of** info@accam.us
Sent: Friday, February 29, 2008 11:03 AM
To: Bob Frantz; 'Carl Burnham'; 'Cindy Ingraham'; Dana M Jones; 'Doug Ingraham'; Frank Kolendich; 'Kathy Smit'; 'Keith Cron'; 'Marc Ingraham'; 'Matt Warner'; 'Nick Currie'; 'Sonia Rogers'; Steve Schroeder; 'Bev Young'; Truitt, Holly; 'Jim Tolle'; 'Mike Foust'; Ryan Mcgee; 'Tracy Wicker'; 'Vic Feuerstein'; 'Bruce Ingraham'; 'Kevin Oliver'; 'Rick L. Kirn'; 'Roger Herman, Jr.'
Subject: FW: ASBESTOS ORDINANCE LETTER FROM THE CITY OF MISSOULA
Importance: High

This is a great news and progress for the enforcement of asbestos in the state. We commend the efforts of the City and Holly Truitt who we know has made a lot of effort to get this going. The Association will want to build on this.

Rick L. Kirn
Secretary/Treasurer
ACCAM
POB 80951
Billings, MT 59108-0951

406-652-6337 Office
406-861-6643 Cell

info@accam.us

From: Kris Blank [mailto:KBlank@ci.missoula.mt.us]
Sent: Friday, February 29, 2008 9:50 AM
To: Adler Architects, Inc.; Decker Architecture; Designs Are Us; HDG Architects; Paradigm Architects P.C.; Pat Supplee Architect, PLLC; Process Architects; Metalworks of Montana and Missoula Sheet Metal; ameagle@montana.com; Baileybuilt@aol.com; bhover@blackfoot.net; bree@daconstruction.com; buckley@montana.com; colbertselectricinc@bresnan.net; ctie@earthlink.net; dtr@davetaylorroofing.com; ericr@reiber-bodell.com; fallsplumbing@sofast.net; fred@carlconstruction.com; grizzlyfence@montana.com; Guard1@bigsky.net; ince@garyince.com; info@charterconst.com; jbmjac@msn.com; jbohenek@msn.com; kaminster@msn.com; leiha@swankenterprises.com; maxtite@bigsky.net; mcleesinc@qwest.net; mslacon@missoulaconcrete.com; Peretto@montana.com; plumbers@4gplumbing.com; plumbertoms@yahoo.com;

premierehomes@qwest.net; Qualityplumbingmontana@msn.com;
raszterrascals@netzero.net; rcannon@bigsky.net;
smonson@pewconstruction.com; staves@in-tch.com; StensCab@aol.com;
svandyken@martelconst.com; tanna@gordonconstruction.net;
tmpright@ndsupernet.com; Wesmont@wesmont.com; Westana@bigsky.net;
westerninterstate@centric.net; wilsonconst@montana.com; wsellers@ur.com;
AAA Construction of Missoula; aaaphinc@hotmail.com; ALJ Concrete; ALPINE
BUILDERS; B & B Construction; B C ELECTRIC; Bergerson Construction, Inc.;
builder@montana.com; Bruce's Heating & Cooling; creekelectric@hotmail.com;
feinc@blackfoot.net; Design Air, Inc; Edgell Homes; info@esiconstruction.com;
rick@envct.com; don@garramonebuilders.com; Graybeal Heating & A/C Services,
Inc.; Great Homes; ECCLEAL@aol.com; ALVIN9492@msn.com;
bigskyheat@ronan.net; hollandandsons@blackfoot.net; Jameel; Jared Langley -
Eric; Jared Langley - Jared; John Danicich; JonCusker@aol.com; K & D Plumbing
& Heating; KD_Montana@k-designers.com; kenclizbe@msn.com; leyli @ Temp
Right Service; McCue Construction, Inc.; Rita@mostadconstruction.com;
pmuehlhausen@msn.com; neelyelectric@blackfoot.net; Paulson Electric Inc;
Plumbingworks123@hotmail.com; tmarcum@qualityconstruction.com; Reynolds
Construction; Sangster Electric Inc; Sapphire Construction, Inc;
sentinel@blackfoot.net; slaber@shelter-west.com; Shields Electric; Snow County
Builders; straightline@montana.com; john@structsys.com; Temp Right; Venture
Electric; Walter Redfield; Western Montana Woodworks LTD;
darlene@wsmr.myrf.net; jtp_johntheplumber@yahoo.com; Air Quality
Mechanical; Anderson's Heating; Anderson's Heating, A/C, Plumbing; BJs
Metalworks; we99@netscape.net; Garden City Plumbing; Garden City Plumbing &
Heating; Garden City Plumbing and Heating - Gail; Hellgate Plumbing and
Heating; Metal Works of Montana; Rocky Mountain Mechanical; Western Sheet
Metal

Subject: ASBESTOS ORDINANCE LETTER FROM THE CITY OF MISSOULA

Kris Blank

Senior Building Permit Specialist

City of Missoula Building Inspection Division

435 Ryman

Missoula MT 59802

NOTEOffice/IVR number: 552-6040

FAX number: 552-6053

Personal FAX: 327-2188